

FLAT OUT

Annual Report 2008-2009



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Credits:

Front cover: Staff in costume for performance of “These are a few of my favourite things”
Above: All ages gather to farewell Billi; Staff perform ‘Sound of Music’ songs with adjusted lyrics
Below: Billi says a teary farewell
Back cover: Women, artists and staff at Flat Out Screen Printing Day funded by Streetsmart;
Staff at Team Building



Contents

Formal Acknowledgement of Traditional Ownership	4
Acknowledgements.....	5
Flat Out - Name, Vision and Primary Task	8
Core Work and Programs.....	9
What We Do and Why We Do It	11
Quick Snapshot of the Criminal Justice System	11
Women’s Bits.....	12
Collective Report	13
Social Inclusion Groups	14
Centre for the Human Rights of Imprisoned People Presentation	16
Young Criminalised Women Research Storytelling Project Update.....	19
‘They Died of a Broken Heart’: Women’s Experiences of Surviving on the Outside	20
Inside Access Pilot Project Report.....	26

Formal Acknowledgement of Traditional Ownership

Flat Out acknowledges Aboriginal and Torres Strait Islander peoples as the first peoples of Australia. We pay our respects to the Wurundjeri people of the Woi Wurrung Language Group both past and present who make up part of the Kulin Nation, as the traditional owners of the land in which Flat Out is built.

We acknowledge the Elders, families and forebears of the tribes of the Kulin Nation who were the custodians of the land which we occupy. We acknowledge that the land on which we meet was the place of age old ceremonies of celebration, initiation and renewal and that the Kulin Nation people's living culture had and has a unique role in the life of this region.

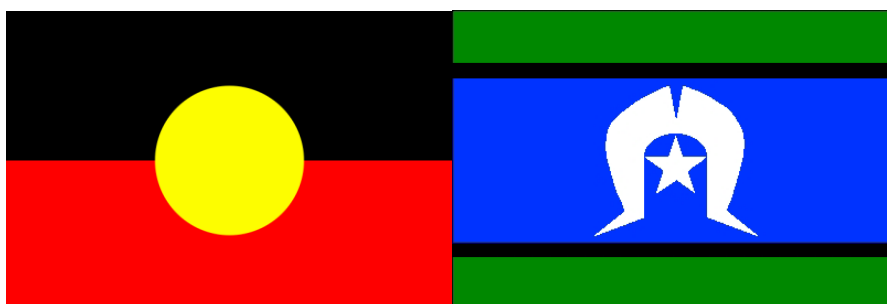
We recognise the loss and grief held by Indigenous people in Australia caused by alienation from traditional lands, the loss of lives and freedoms, and the forced removal of children.

We defend the rights of Aboriginal and Torres Strait Islander peoples to live according to their own beliefs, values and customs and the importance of their contribution to strengthening and enriching the heritage of all Australians.

We believe that equal partnerships with Aboriginal and Torres Strait Islander peoples are integral to addressing the needs of communities.

We believe that that ignorance, apathy, resistance and opposition still exists about reconciliation and the need to overcome Aboriginal and Torres Strait Islander disadvantage is great.

We believe that through understanding the spiritual relationship between the land and its first peoples, we share our future and take the steps towards living equally in harmony with dignity and respect.



Thank You

To all the women involved in Flat Out over the past year, and those who chose to contribute their stories or art to this year's annual report. Thank you for sharing with us your stories, insights, advice and strength.

Acknowledgements

Government Funding:

Department of Human Services – SAAP (Supported Accommodation and Assistance Program)

Department of Health and Ageing – NGOTGP (Non-Government Organisation Treatment Grants Program)

Department of Human Services – ICMI (Intensive Case Management Initiative)

WISP (Women's Integrated Support Program) – partnership with Melbourne City Mission (MCM), Victorian Association for the Care and Resettlement of Offenders (VACRO) and Jesuit Social Services (The Brosnan Centre)

Non Government Funding:

R.E Ross Trust / Reichstein Foundation / Vic. Law Foundation – CHRIP

Flat Out would also like to thank the following:

Women's Housing Limited
Melbourne City Mission, Women's Integrated Support Program (WISP)
DHS – Peter Lake, Janelle Cribb & Sarah Langmore
St Kilda Crisis Centre
Homeground
The Queen's Trust
Royal District Nursing Service Homeless Person's Program
Council to Homeless Persons
Public Interest Law Clearing House (Vic) Inc. (PILCH)
Flemington & Kensington Community Legal Centre Inc.
First Step Clinic
ARBIAS
Forensicare

Aboriginal Health Service
 Victorian Aboriginal Legal Service
 Regina Coeli
 Aboriginal Hostels Ltd
 Aboriginal Liaison/Koorie Court
 Eastern Emergency Relief Network
 Vic Relief Foodbank
 ACSO
 Macgregor Barristers & Solicitors
 Dowling & MacGregor Solicitors
 Greg Thomas - Solicitor
 Jill Prior – Solicitor
 Pearson’s Barristers and Solicitors
 Paul Shearer – IT Saviour
 Victorian Association for the Care and Resettlement of Offenders (VACRO)
 Asylum Seekers Resource Centre
 Somebody’s Daughter Theatre Company
 Southport Community Housing
 Helen Barnacle
 Deb Kilroy
 Homeground Services
 Aunty Lynn Killeen
 Sandy Milne – CHP
 Deb Tsorbaris
 Andrea Lott
 Eastcare
 The Panel Christmas Wrap
 StreetSmart
 St Vincent de Paul Housing Services
 Nova 100

Flat Out Staff

Brook Shearer

Manager

***Intensive Case Management
Worker (changed position-May
2009)**

Sharon Villanueva

Intensive Case Management Worker

***Case Worker (changed position-
May 2009)**

Amy Mallett

Case Worker

Nadia Warren

Administrative Worker

Vacant

Case Worker

Phoebe Barton

Alyssa Fooks

**CHRIP project workers
*Centre for Human Rights of
Imprisoned People**

Maggie Barford

Finance Worker

Michele Old

Duty/Resource Worker

Tracy Carroll

Case Worker (left-June 2009)

Billi Clarke

Manager (resigned April 2009)

Emily Piggott

Case Worker (left January 2009)

Flat Out Collective Members

Amanda George
Karren Walker
Maggie Barford
Amy Mallett
Koni Tsakonas
Brook Shearer
Nadia Warren
Sharon Villanueva
Phoebe Barton
Marisa Sposaro
Bree Carlton
Michele Old
Alyssa Fook

Resigned Members

Shelley Burchfield
Catherine Gow
Joanne Doherty
Kay Thompson
Billi Clarke
Dallas Taylor
Emily Piggott
Tracy Carroll

In Kind Support

A number of organisations and individuals have provided us with useful items, advice, support and understanding. We wish to thank everyone and organisations, who has donated money, household items, clothes, computers, furniture, toiletries and presents for women and their children. We also wish to thank those who have been generous with their time and have assisted us to provide women with a better service.

All art, writing and photos in this annual report are used with the permission of the women involved.

Flat Out

The name

“Flat Out’s name came about for a number of reasons and after numerous long meetings at bars, spas, lounge room floors, offices and weekends away. At first (in 1988) we envisaged that we would get flats for women when they got out. We also thought women might be working flat out on their back paying the rent and that perhaps we would find women flat out on the floor overdosed. We were certain that our workers would be flat out meeting the demand”.

Amanda George

Our Vision

- People’s rights are understood and upheld
- There is a compassionate response to personal and social trauma
 - Women are not imprisoned

Primary Task

- To support women who are exiting prison or who are at risk of incarceration, by providing access and referrals to transitional, supported, public or community housing.
- To provide support, education and information to re-establish women in the community post-release.
 - To avoid re-incarceration.

Core Work

Flat Out's core work comprises three overlapping areas of activity:

- Direct Support Services.
- Community Development, Education, Research and Advocacy.
- Development and Maintenance of the Flat Out Collective.

Direct Support Services:

- Providing information on rights, housing options, prison issues, income, legal issues, health services, family reunification, courts, financial and material aid.
- Facilitating access to transitional housing, crisis accommodation, public housing and community housing.
- Supporting reunification with children and family.
- Case planning, developing support plans in conjunction with women.
- Crisis intervention and support.
- Court Support.
- Support to prepare for prison.
- Organising recreational activities.

Community Development, Education, Research and Advocacy:

- Educating other service providers and the community on issues around women and imprisonment and about the experiences of women in prison.
- Advocating on behalf of women who encounter the criminal justice system.
- Continuing research into issues relating to women and incarceration with the aim of informing community and government.

Development and Maintenance of a Feminist Collective:

- Continuous exploration and articulation of the importance of feminist philosophy and collective structure for Flat Out.
- Developing clear goals and priorities for the Collective and continually reviewing the effectiveness of our work.
- Supporting paid Collective members in their work by developing clear job roles, lines of accountability and providing professional development opportunities.
- Managing the financial and physical resources of Flat Out.
- Ensuring a safe, functional workplace.

Programs

SAAP (Supported Accommodation Assistance Program)

Flat Out has been funded by SAAP since establishment in 1988.

SAAP is a joint Commonwealth and State Government Initiative. SAAP is governed by the Commonwealth Supported Accommodation Assistance Act 1994. In Victoria, SAAP forms a key part of the Homelessness Service system, which also includes the Transitional Housing Management (THM) Program. The overall aim of SAAP is to provide transitional supported accommodation and a range of related support services, in order to help people who are homeless or at imminent risk of homelessness, to achieve the maximum possible degree of self reliance and independence. Within this aim, the goals are to:

- resolve crisis
- re-establish family links where appropriate; and
- re-establish the capacity of clients to live independently of SAAP

Non-Government Organisation Treatment Grants Program (NGOTGP)

NGOTGP (previously NIDS – National Illicit Drug Strategy) is a funded Commonwealth Government Initiative. Flat Out has received NGOTGP funding since 2003.

NGOTGP key service requirements are:

- To provide short-term supported accommodation to clients affected by alcohol and drug issues who have undergone a drug withdrawal program or require assistance in controlling their drug and alcohol use.
- To provide support and assistance to enhance the woman's capacity for non-drug abusive community living, through skill acquisition, counselling, personal care activities and relapse prevention.
- To facilitate client access to other services appropriate to their health and welfare needs.
- To negotiate an "individual treatment plan" with the woman.
- To support the woman in safe, secure and affordable housing.
- To provide services for carers and families of those affected by alcohol and drug use.

WISP (Women's Integrated Support Program)

Flat Out receives funding to be able to support 2 women at any one time.

ICMI (Intensive Case Management Initiative)

Hanover is the Statewide provider of the Intensive Case Management Initiative (ICMI) which has been funded until 2009-2010 with the Victorian Department of Human Services. IT is a developmental project that provides support and brokerage funds for creative approaches to support clients who have high and complex needs. Flat Out has received funding from ICMI since September 2008, which will continue for two years.

The goals of ICMI are:

- To provide assistance to clients who have high and complex needs to stabilise their personal circumstances and assist them out of homelessness.
- To provide a creative and flexible service response.
- To contribute to the development of a model that promotes planning, coordination and sustainable assistance to high and complex needs clients.

What We Do

Flat Out works with women who have had contact with the criminal justice system, and particularly women released from prison. We are a small team who can never meet the demands of the increasing numbers of women being incarcerated. We work with mothers, sisters, daughters, aunts, grandmothers and neighbours. We work alongside women to achieve their goals and to remain in the community.

Why We Do It

The women we work with are resilient, capable, inspiring, have a great sense of humour, are resourceful, passionate and caring. They show incredible strength in the face of enormous and sometimes unbelievable circumstances. Their lives and their families' lives are disrupted when they are imprisoned, and rebuilding them is often a painstaking process.

The lack of housing, low income, separation from children and involvement with Child Protection, fractured relationships, past and current trauma and limited support contributes to women returning to prison.

Quick Snap-shot of the Criminal Justice System

- Prisoners returned to prison more quickly in the early months after release, with almost 40 per cent of those who returned to prison doing so within 6 months, and close to 70 per cent within 12 months.
- The younger a prisoner was, the more likely they were to return to prison. Almost 60 per cent of 17-20 year olds returned to prison within two years, compared with less than 5 per cent of prisoners aged 50 years and over.
- Prisoners who served between 6 and 12 months had the highest rates of return (43 per cent within two years), while prisoners who served more than 2 years had the lowest rates of return (15 per cent within two years).
- Females make up 9.6% of the prison population in Victoria.

From Department of Justice, 2007, *Who returns to Prison? Patterns of Recidivism among Prisoners released from Custody in Victoria in 2002-03*, Melbourne, VIC, accessed from <http://www.justice.vic.gov.au/wps/wcm/connect/DOJ+Internet/Home/Prisons/Research+and+Statistics/JUSTICE+-+Who+returns+to+prison> accessed 31/10/09

How much does it take to keep a prisoner in custody and an offender in the community?

The Council of Australian Governments, reports that recurrent expenditure per prisoner per day in 2007-08 was \$221.40 and the recurrent expenditure per community corrections offender per day in 2007-08 was \$16.20.

From Department of Justice Website (<http://www.justice.vic.gov.au>)

WOMEN'S BITS

Woman to worker: "You're like the mother I never had ... like how you call me every Monday morning to make sure I made it through the weekend ... it's like a mum and I never had one of those".

"Thankyou for picking me up from the prison, I wouldn't have known what to do or where to go if I'd had to catch a bus on the day of my release"

"You've gotta laugh, otherwise you'd go mad!!" A woman speaking about her traumatic life experiences

"I could have necked myself or someone else by now if I did not have the calm and collected support of my Flat Out worker. Also, thanks for always being honest and upfront with me."

A woman with 5 children who is incarcerated at DPFC said, "People [on the outside] believe we have a pretty good deal at the prison, but it wouldn't matter if it was the Hilton in here. Even if I was paid one million dollars to stay in the prison another year, I would not want to stay another day. Freedom does not have a price."

Collective Report 2008-2009

Victoria is experiencing a huge increase in the number of women going to prison and this has flow on effects for services like Flat Out. Prisons are 'housing' more and more people with mental illnesses, because it is often a person's mental illness which results in them being 'criminalised' – that is coming to the attention of the police and courts for behaviours which are a consequence of mental illness and for which very few non 'justice' alternatives exist.

The nexus for women prisoners in having experienced serious trauma in childhood and adolescence – sexual abuse, direct violence, witnessing violence, extreme poverty, emotional violence or absence – and experiencing mental illness later in life, is very strong. Many women self medicate their illness and exist outside of the health system for an array of reasons and this can be a path to criminalisation and prison. Incarceration becomes another trauma which compounds layers that already exist.

To be a worker at Flat Out requires extraordinary commitment, insight, flexibility, thinking outside the square, humour, bullshit detectors, patience - as well as skills that you can't know you need – supporting women in birth, and death, confronting prejudice in other services and government departments and trying to educate them without alienating them from the support they may have to give your woman, finding foster care for pets – as well as being part of a worker team and a managing collective that runs the joint!

Two years ago, Flat Out moved to a model where we employed a manager in the service. Billi Clarke was our inaugural skipper and was generous, inspiring, brought extraordinary credibility to our service, was bold, ethical and strategic. She loved the work and she loved the special relationship that working at Flat Out enables women to have with workers. When Billi left after giving her all, we were extremely fortunate to have another worker at Flat Out agree to take over skipper duties for an interim period. Brook was working in our most challenging program which provides intense support for women. Brook has brought to the Manager's role youthful exuberance, an old head on young shoulders, an eclectic network of support and a 'dive in, whatever the seas' attitude to the position. She has been shackled with much of the work around the long and arduous accreditation road and has done amazing things in it.

No organisation can feel safe unless they have a finance worker who is on the ball, can explain things to non-finance brains, is canny in financial planning, transparent in their decision making and insightful about the way things are 'likely to go', as well as getting us to sail through audits. Maggie has all of these qualities and has allowed the collective to breathe easily in her time with us. Michele has done admin and the myriad things that this adverb encompasses. Michele has been a real asset to us and her experience in the sector and in particular our local community always gives us another lead to pursue. Nadia joined us as the Administrative Worker this year and with her experience of working in community legal centres, has whipped our systems into shape, provided initiative with office procedures, is always 'can do' and very handy with power tools.

Sharon came to us in a casework role. She is hugely competent and is highly regarded by the women that she works with. Her patience and calm demeanour belies the quiet assassin that rolls off her tongue at times. Sharon has a way of bringing people together in the midst of crisis. Amy came to work at Flat Out after finishing her studies and after having some time out from being on the collective. Amy is acutely aware of the importance of the work we do with women, not just working with them, but the role that Flat Out has in questioning the systemic issues that impact on women. Her enthusiasm for getting things right, especially in

how Flat Out as a collective works and how the work we do with women is situated within an abolitionist/decarceration are invaluable questions to keep being addressed.

Flat Out has auspiced the Centre for Human Rights of Imprisoned People (CHRIP) project and its worker Phoebe Barton. Phoebe has achieved extraordinary things in particular in getting disparate people together to move forward with a commitment to decarceration. It is not possible to do justice to her work in this report; however a visit to www.chrip.org.au will make this clear. Her work in the United States with the organisation, Critical Resistance has given us valuable links with and learnings from international brothers and sisters. Alyssa Fooks recently joined us through CHRIP in a project that works with young women on a digital storytelling project around juvenile justice issues. We are pleased to have her back, having worked at Flat Out as a caseworker some years back.

The number of unpaid collective members has expanded this year and with it new ideas, perspectives, talents and challenges have come. As there are fewer and fewer small services around, the role the collective takes becomes even more important, because the survival of the organisation in the context of a community and welfare sector dominated by large service providers, is never a given.

Fewer and fewer boards and management committees know much about what goes on day to day in service delivery and are really only there for governance issues. This is what makes the Flat Out collective so different. Reading the worker reports every month gives us all a taste of the work that gets done here...and the quotes of the month in them from women provide a wonderful lens that you would get no-where else.

We said goodbye to Shelley Burchfield from the collective who was with us over 10 years, Catherine Gow who also spent many, many years with us, Jo Doherty and Kay Thompson. The collective is always eager to get new members. So check out the website www.flatout.org.au or give us a call and come along for the ride of a life!

Social Inclusion Groups

In 2008 Flat Out received funding from StreetSmart to run recreation groups. Over the past year, many diverse groups have been run. These have included:

Initial Group Discussion

Soon after receiving the social inclusion funding, we held a small group at Flat Out to discuss with women what sorts of groups and activities they would like to do. 6 women attended the session and lots of chats were had around the options and possibilities. A range of ideas were presented, from go-carting to floristry courses. It was decided at this group that clients of Flat Out who were closed, would be put on an on-going contact list to be invited to these groups, even if they were no longer clients of the agency. We decided, where possible that we would prioritise group facilitators who were clients or ex-clients rather than get a 'pro' and that the woman would be reimbursed for their time with cash payments.

Dream Catchers

One of the women had learnt to make dream catchers and was very clever at it! She and a case worker shopped for all of the necessary items to make the dream catchers. The group was small but successful and the women really enjoyed it coming up to Christmas as gifts for children/family members.

Two T-shirt Groups for Homeless Persons Program (HPP) Festival ‘Where the Heart Is’ at Flat Out

In conjunction with the RDNS Homeless Person’s Program, Flat Out has facilitated two sessions for women to make screen printed t-shirts as part of the Homeless Person’s festival. The shirts made by the women were worn by volunteers on the day of the festival and the women could also take one home for themselves. A community artist, Jess, came to Flat Out with a number of plain white t-shirts and all the screen print items. We provided some paints, the space and lunch for the women.

It was a truly successful group; the women absolutely loved the day and came up with some really great designs and the feedback was really positive. The groups were attended really well with over a dozen women involved.

T-Shirt Group for HPP Festival at DPFC

As above, we ran a t-shirt making group at DPFC with protection women. Same outline as above.

Art Wall at DPFC

In consultation with Aunty Lynn, the Indigenous Well Being Worker at DPFC, we have agreed to be involved with an Indigenous art group to paint and decorate an emotional, cultural well-being space at the prison. The women are involved in the planning, implementing and facilitation of the space themselves. Flat Out will provide paints, support and encouragement to the women!

SBS Group

As part of a documentary that SBS are doing on women involved in the criminal justice system and are on correctional orders. We ran two groups for women to attend, with nibbles and to be paid for their times. The groups were really well attended with approx 6 women involved. The women really enjoyed the time to talk about their experiences, be paid and were also approved to be extras when the doco is filmed!

Research Groups for Monash Uni

Dr Bree Carlton from Monash University is conducting research into unnatural deaths of women post-release. She contacted us to see if she could interview some women about their experiences. Three women attended the first focus group, and seemed to enjoy sharing their stories, both courageous and tragic. They were given \$20 food vouchers to reimburse them for their time.

CHRIP (Centre for the Human Rights of Imprisoned People) Presentation

By Phoebe Barton, CHRIP Project Worker

This paper was initially presented at the Sisters Inside 'Is Prison Obsolete?' Conference, 2-4 September 2009, Brisbane.

I'd like to acknowledge that we meet today on stolen land, and pay my respects to elders past and present of the Turrbal community, as well to those who can't be here today; men and women and young people imprisoned in Australia, and also the family members and friends of people who have died in custody in Australian prisons.

There is a death in custody every 4 ½ days in this country, which is reflective of the violence inherent in the prison system, and also a statistic that bears witness to the struggle for survival faced daily by imprisoned women and men and young people. Aboriginal activist Lillian Holt described prison survival as resistance at the 2005 Sisters Inside Conference in Melbourne, and I think it provides a useful frame of reference for community advocacy organisations and activists who would like the prison walls to come down, and in the meantime ensure women come out with dignity, life and power.

I'd like to read you another quote from the 2005 Sisters Inside Conference, from a Victorian woman who had been imprisoned, who said: "Prisons take away your right to be a person, and it's very hard to get it back. We're all changed. In my heart I'm colder, I'm stronger... We are here to say, enough is fucking enough... Is prison obsolete? Fuck yeah, there's a 66% revisitiation rate, so if prison is the answer, it was a bloody stupid question." The survival and resistance articulated in this quote provides a compelling argument for abolition of the prison system.

As we know from our work and experiences, and have heard over the past two days, women in Australian prisons are predominantly jailed for victimless trivial offences, drug misuse, or crimes of survival. The violent and dehumanising nature of prisons, the lack of post-release support and rehabilitation services, and the failure of the criminal justice system to address the initial causes of crime, be it socio-economic marginalisation, mental or physical disability, racism, violence in the home, or homophobia and transphobia, all drive high and intensifying rates of re-imprisonment, and deaths post-release, and impact not just women but their families and the broader community.

Surviving all of this and having the courage it takes to resist and rebel without unravelling at the seams is incredibly brave, and I'd like acknowledge and thank the women who spoke yesterday and today who have been imprisoned, for speaking out. Finding language to talk about abolition of the prison industrial complex, and creating a literacy in the issues that have been raised here, is one of our greatest challenges. How to not just shout down structures, but create community alternatives to dealing with violence, and consider what safe accountable communities might look like. Over many years of struggle, whatever way prisons are critiqued, the State's answer is always to build more prisons – the purported 'Human Rights prison' in ACT is a good example of this. But we'll keep fighting.

I'm going to talk a bit out abolition work in Victoria, and the Centre for the Human Rights of Imprisoned People, but I'd like to first locate myself within this work – as a white woman who has had access to education and freedom from violence I am not most impacted by

prisons, policing or racism. But I have learned and will continue to learn from working with activists in Melbourne like Charandev Singh and Amanda George, from organisations like Critical Resistance, and from women and men post-release, about being an ally. There are times my position of privilege and whiteness compel me not to speak out, moments to stop and reflect on what I have inherited and what is negatively affecting my capacity, and there are also times to be aware of what damage I can do, and also aware of all the work to be done. Listen, absorb, but not drop my head and back away, or stop fighting.

The Centre for the Human Rights of Imprisoned People (CHRIP) is a project that began in 2007, working to increase prison legal capacity in Victoria, whilst challenging the systemic issues that lead to imprisonment, through community education, advocacy, and policy work. CHRIP has an underlying framework of social justice and decarceration (a reduction in the number of people going to, and returning to prison). By decarceration we mean a community where everyone has access to shelter, food, employment, education and freedom from violence, because as we know, who goes to prison is determined by poverty, homelessness, racism, mental illness, violence, and discrimination. The stance of decarceration ensures our work contributes to and builds a movement, rather than just a service, because although we are accountable to the people we work with who are surviving prison, we never want our advocacy to lead to prison reform, or a bigger and better prison being built.

The CHRIP project has grown out of prison law and human rights work done by community legal centres, advocates, and activists since 1982. Since the '80s people have been working on a diversity of issues in Victoria including discrimination against women in prison, deaths in custody or post-release, prison privatisation and systemic violence, accountability and transparency of prisons through freedom of information and litigation, and direct support around issues of housing, children, education and employment.

This work has predominantly been done by volunteers, and there has been a continuum of work inside and outside prison walls, with jailhouse lawyers, peer advocates and educators inside prisons, and lawyers, advocates and activists working outside. Access to resources for imprisoned people is difficult, and communication between inside and outside often frustrated. Finding ways to work together and prioritising imprisoned and formerly imprisoned people's voices to be heard, and to inform our work is integral. CHRIP aims to be led by imprisoned and formerly imprisoned people with support from allies within three years, and we need to ensure the direction we are headed and the language we use is relevant and reflective of people's needs inside prison and post-release. Any movement towards abolition must be informed by the struggles of women and men, transgender and young people surviving and resisting the prison system who cannot retreat from their experiences of sexual harassment and physical and emotional humiliation, threats, and fear inside prisons, or the shame and stigma of institutionalisation upon release into the community.

CHRIP's central project has been to establish a dedicated Prisoners Legal Service in Victoria. We are currently seeking funding to continue a Pilot Prisoners Legal Service that CHRIP initiated that has been running for the past year out of the Brimbank Melton Community Legal Centre with one part time lawyer seeing men and women imprisoned at Port Phillip and Dame Phyllis Frost prisons. This has been the first independent, community-based, dedicated Prisoners' Legal Service in Victoria. CHRIP has also supported the Mental Health Legal Centre to establish Inside Access, a community legal service for people with mental illness in Victorian prisons and secure hospitals, co-ordinated by Sam Sowerwine. The systemic issues these two services are seeing are medical neglect inside prisons, access to visits from children, financial issues, access to proper psychiatric treatment with a number of recent self-harm incidents, people being put into management units, overcrowding, and access to housing upon release.

Housing is a huge issue; most services won't see people in prison about housing until 8 weeks before their release date, yet people can't be released from prison without an address to return to, meaning parole dates can be pushed back, or people kept in prison beyond release dates until they have a house. We heard a story recently of a woman who was on parole who disclosed to her parole officer that she was living in a tent in someone's yard for a week because she didn't have a house, and she was breached and sent back to prison. Without housing, it is almost impossible for women to get out, and stay out of prison, to meet parole requirements, secure employment, maintain custody of children, undo any of the shame and dehumanisation of the prison system.

CHRIP is also working towards establishing a state-wide Prisoners Legal Service Partnership, with Prisoners Legal Services planned to be operating in rural Victoria where 77% of people are imprisoned. CHRIP is working with Community Legal Centres in Victoria's North, East and West to establish locally-appropriate prisoners legal services or prison advocacy projects.

Alongside this legal work, CHRIP is working towards systemic change through the Victorian Decarceration Network and Working Group, using education, campaign and policy work towards a reduction in the number of people going to and returning to prison. The Decarceration Working Group has organised an Imprisoned People and Social Justice forum in Melbourne to follow on from this conference, which you are all welcome to come to, as so many people in Victoria are unable to be here. I would like to acknowledge the group of people from Victoria with the lived experience of imprisonment who have made it up here, which hasn't been easy with negotiating parole and corrections conditions – some haven't been able to come for these same reasons – and for those that are here, thank you for all of the work I know it took to get here, it's an honour to have you here.

CHRIP has chosen to work on providing legal services because of the lack of the need to support existing self and peer advocacy from jailhouse lawyers as well as to meet a huge unmet demand for legal services inside prison, including holding the prison accountable for its treatment of people. We have combined this with campaign and education work to create a literacy around the reality of imprisonment, who is locked up, and how the community can better respond to the needs of criminalised people. An example of our education work is a new project run by Alyssa Fooks, working with young criminalised women to create a multi-media storytelling project that will centre young women's voices in ongoing policy and advocacy work.

It has been interesting working with people from the United States who are shocked that our prison population in Victoria is so small, compared to the 10,000 women imprisoned in California, who say to us, 'what? 300 women in prison in Victoria? We should be able to shut that down.' Which is true, the numbers are so small. Yet the issues here and in the States are so similar, and there is the same investment in prisons; an investment that is not based on the safety of women and men inside prisons, or for their children or communities.

In Melbourne's maximum security women's prison DPFC today, the population is at a record high. A third of the prison is now overcrowded, and a new regime of structured days is being introduced where women have to submit timesheets accounting for every hour of the day. If they are more than 10 minutes late their pay will be docked. The structured day will change women's hours of work, and the majority of women will be earning significantly less than they were previously able to. This new regime deepens the poverty women are living in. Out of their small wage, women need to pay for toiletries, phone calls, writing paper and stamps, as well as support their children. There have also been programs and activities cut out of the

structured day including art, baby canteen, and the leisure centre library, decisions which strictly control women's lives.

It is important in this context, with an increased prison budget of \$591 million dollars in Victoria, a 64% increase in prison numbers over the past 10 years, and consistent reports of human rights abuses in prison, that resources be going into social structures and support, and we develop capacity to work collaboratively towards social change. CHRIP argues that the best human rights strategy is to keep someone out of prison, which requires community and government responses to poverty and the criminalisation of vulnerable people in our community.

Thank you to Debbie and Sisters Inside for having me speak today, and for supporting our work in Melbourne, and I look forward to continuing to struggle with you all in the future.

Young Criminalised Women Research Story-telling Project Update

By Alyssa Fooks

The Centre for the Human Rights of Imprisoned People, is in the process of applying for funding to facilitate a project focusing on Young Criminalised Women Research Story-Telling Project.

This project is to create a multimedia story-telling research project, focusing on young women and criminalisation in Victoria, where young women's voices and stories are privileged and centralised in analysis, with policy and community development outcomes.

To engage with young women impacted by the justice system through a multimedia story-telling research project, facilitating participants to tell their stories, and determine their own needs in access to justice.

This facilitation will assist young women to create an education resource to be used by youth services, schools, women's organisations, and young women themselves, to improve the response of the government and community sector to criminalised young women.

The goal of the project is to inform social policy and legal change in Victoria on issues impacting young criminalised people, by facilitating young women's engagement in youth policy directions.

This project will attempt to achieve the following outcomes;

Immediate

- Young women involved will have the capacity to contextualise personal experiences with broader social issues impacting their lived experiences.
- Skills and confidence for participants through involvement in community arts and cultural processes;
- Breakdown of the digital divide in young women accessing new media technologies;
- Empowering process for young women to tell their stories in their own words, as a young woman involved in the Liminal Lines project stated, "it felt really good to tell my story 'cos I know their listening;"ⁱ
- Networking opportunities created for young women participants; the creation of an education resource to be used by youth services, schools and women's organisations.

Longer Term

- To inform policy, government and community responses, which will assist to prevent young women from returning to juvenile justice or entering the adult prison system;
- To promote strategies of decarceration (a reduction of the number of people going to, and returning to prison), including responding to the needs of young criminalised women in order to prevent recidivism; and
- To promote social and gender justice, including representation of young women, and ensuring their needs in access to justice are met.
- That the ongoing use of the DVD will enable people in their local communities to continue to use this as a resource which promotes the human rights of young people in detention.

¹ Liminal Lines performance, Youth Justice Working with Young Women Practice Forum, 04/12/08

‘They died of a broken heart’: Women’s Experiences of Surviving the Outside

By Bree Carlton – as presented at Sisters Inside Conference-Brisbane 2009

Today I’m going to begin with Helen’s story because her words form the title of this paper. The time Helen has spent transitioning in and out of prison spans most of her life and the multiple sentences she has served amount in total to eight years. In her lifetime she has had six children, no family support and suffered ongoing domestic abuse and profound violence. She has been diagnosed with multiple mental illnesses and suffers from drug and alcohol addictions. Many times in her life, inside and outside prison, Helen has self-harmed, almost died from overdose, physical assault and attempted suicide. However, these days she feels she is doing well. She has been out of prison for over six months, has been on a drug treatment program, is receiving psychiatric care, has housing and is the primary carer for her 18 month old son.

In her statement, ‘they died of a broken heart’, Helen is referring to the issue of women dying after release and this is what I’m going to talk about this morning. In recounting her own story, Helen discussed the years she spent in the system and the many women she knew who died around her. She disclosed: ‘I believe all these people...they died of a broken heart, died of their kids being taken, or they couldn’t live up to someone’s expectations. That’s what kills you. It’s not the drug, yes the drug is the substance that kills you but it’s only because your brain has given up on you’ (Interview 9/4/09). With reference to her own life experience Helen told us: ‘I’ve been shot, I’ve been stabbed, I’ve been kicked to death six times. I’ve never overdosed from drugs, yet I’ve used them every day of my life since I was 12 and I’m what 38 now...I’ve lived through the worst things that you could imagine. I’ve been tortured, I’ve died but for some reason I’m meant to be here’ (Interview 9/4/09). Like many women who have been imprisoned, Helen has in her life walked a fine line between survival and death. In this respect prison represents an extension of her experience rather than the focal point. In many ways and across all aspects of her life Helen has been imprisoned by her circumstances and by a string of traumatic episodes. She has experienced substance addiction, family breakdown, violent and abusive partners, multiple state neglects and abuses, and the repeated removal of her children.

This afternoon I want to talk about some work I have been doing with Marie Segrave that started out investigating the issue of Victorian women dying after release. The central aim of our research was to detail the broader context and circumstances of women's survival and death post-release. To achieve this aim the project was initially designed to combine interviews with statistical information in order to develop a detailed picture of women's post-prison deaths. However, as the research has evolved and we have spoken to formerly imprisoned women and advocates our focus has come to centre more broadly on the relationship between trauma and women's criminalisation. It's important to note that while post-release deaths have been the subject of many ineffectual corrections and public health studies, the issue of women dying has received limited if any public attention. This is particularly concerning given the increasing rate at which women are imprisoned, particularly indigenous women, in Victoria and nationally. This work is not about speaking for imprisoned women. What we're trying to do is provide a medium for women's experiences of survival, and women they have known who have died. Today I really want to speak to some of the individual experiences and concerns raised in this research by formerly imprisoned women. Critical to this point is the little addressed and acknowledged issue of the relationship between trauma and the multiple harms and disadvantages that women experience both in the system and on the outside. This paper will be divided into two sections. First, I will spend some time talking about the project background and approach. Second, women's accounts of repeated near-death experiences and harm will be used to highlight the centrality of trauma to women's experiences of disadvantage, marginalisation and re-incarceration.

***Surviving Outside* Project Background**

Surviving Outside started because advocates raised concerns to us regarding six drug overdose deaths among women that occurred within five months 2008-2009. One of these cases had particularly tragic circumstances. A young woman in her early 20s, who I won't name, overdosed ten days following her release. This woman had a partner and a young child on the outside. Her death was particularly traumatic because she died three days before Christmas. She had been found and attended by ambulance crew and was placed on life-support, which was eventually terminated. This young woman's death has been a focal point for many of the women we've spoken to. Stella recounted to us how her release from prison coincided with this young woman's death. A primary concern to her was the fact that the prison community on the inside was extremely aggrieved and there were no internal strategies or systems in place for support. Rather, she reported women who were closest to the deceased were treated punitively and were initially denied access to a chaplain or allowed to make inquiries outside the prison to find out what had happened:

Some of those girls were very, very close. They live together, and they've been in and out of gaol together for 10, 15 years, you know. So, yeah, it was really sad seeing how people handled it and the lack of support...And the not knowing exactly how things happened, I think that's the hardest for the girls to deal with...they just hear second-hand information (Interview 10/6/09).

As many here will be aware, in countries where mass incarceration is public policy, released men, and particularly young women, die at disproportionate rates compared to those in the community (See Farrell & Marsden 2007; Karaminia et al 2007a; 2007b; Hobbs et al 2006; Davies & Cook, 1998; Graham 2003; Biles et al 1999). A recent study found that women who have been in prison are 27 times more likely to die than those in the community (Graham 2003); and more recently Coffey et. al. (2004) found that young women are at increased risk and 41 times more likely to die than young women in the community. In Australia since the landmark

1990 Royal Commission into Aboriginal Deaths in Custody (RCIADIC) there has been considerable critical recognition brought to bear upon the issue of deaths in custody (Johnson 1991). Yet while rates of post-prison deaths have been consistently found to exceed rates of deaths in custody and unnatural deaths in the free community there is a lack of public awareness, systemic monitoring and accountability surrounding these deaths (Victorian Parliamentary Law Reform Commission 2004: 135; Graham 2003).

When we first embarked on this project we wanted to access and combine release data and coronial data on unnatural deaths so we could report on the rates in which women are dying after release. Second, we wanted to use coronial inquests and corrections reports (on those who died while on parole) to tell us more about the circumstances and situations leading to death. Most importantly we wanted to interview as many formerly imprisoned women as we could so they could raise their concerns and talk about their own personal experiences and journeys of survival. However, while the project was given generous support from the Coroner, key support agencies, advocates and formerly imprisoned women, Corrections Victoria refused to provide access to data. In spite of this position, we have nonetheless pushed forward with the research, focusing on our efforts to interview as many formerly imprisoned women, case workers and advocates as possible in order to gain an understanding of what the key concerns and issues are while also getting a sense of how many women are dying and in what circumstances.

The official response to our research was not surprising to us as we are aware that in Victoria, the issue of women dying has a political history due to the high number of women dying in the 1990s and the failure of the Department of Justice to disclose information, acknowledge and act on the issue. In the 1990s in Victoria, with the exception of Flat Out and some housing services for women, there was very little available for women to address their individual and special post-release needs. Davies and Cook (2000) investigated a correlative spike in deaths between 1990 and 1995 where 93 Victorian women died soon after release. These figures came not from corrections but from Somebody's Daughter Theatre Group who documented deaths reported to them. Davies and Cook's 'Dying Outside' work remains groundbreaking because it is the only study of its kind to contextualise deaths by providing individual accounts of women's experiences in prison, pre- and post-release. Moreover, Davies and Cook took corrections on through their dogged pursuit of information and their focus on social justice for women in the system.

Women's Stories and the Reproduction of Trauma

With the exception of critical work by Davies and Cook, existing research on 'post-prison mortality' has more often focused on measuring rates of death and attributing death to 'individual' causes (such as drug overdose), key risk factors and social problems. A former prisoner Gwen, joked to us that women who have been in prison and particularly those who have died, 'tick all the boxes' (Interview 9/4/09). Gwen was referring to the fact that imprisoned women and particularly indigenous imprisoned women represent one of the most multiply disadvantaged and vulnerable groups in Victoria. Women, and in particular indigenous women, are imprisoned at disproportionate rates and once released from prison experience high rates of return. Most Victorian women serve sentences of less than 12 months which compounds their vulnerability. This is reinforced by existing research that suggests shorter and repeated periods of incarceration have a greater detrimental effect on those released into the community (Liebling & Maruna 2005). Women who come into contact with the criminal justice system are often homeless; have experienced familial dysfunction childhood sexual abuse and/or domestic violence; they experience problems with substance addiction and abuse, suffer from post-traumatic stress disorder or mental illness which is undiagnosed or untreated; they have poor physical health and/or a disability; a large

proportion have been made wards of the state early in their lives; are often sole parents and have experienced the removal of their own children whether by the state or as a result of violent intimate relationships (West Community/Brimbank Community Legal Centre 2008: 10).

Nobody would dispute that the above factors place people at increased risk of harm. In this respect, many of the women who have died do 'tick the boxes' as Gwen described. But seeking to measure and understand the issue through numbers alone means that women's personal journeys and lives are boxed into neat categories. The problem is that the available 'official' and public health research in this area focuses on a perceived 'failure' to survive, whereby the onus of responsibility is ultimately attributed to individual inadequacy and pathology. There is no critical appreciation or examination of how such factors intersect with multiple sites of systemic failure and neglect to directly compound and contribute to harm and death. Moreover, explanations that focus on the individual can only serve to sanitise and disregard the individual lived journeys and experiences of imprisoned and released women for whom survival is not a given. Most importantly an exclusive focus on individual causes of death serves to alleviate community responsibility for the lack of understanding, empathy, support and resources available for people experiencing multiple traumas and marginalisation.

The women we have spoken to have all addressed the precariousness of their existence. Beth told us firmly that: 'I could be dead tomorrow. I don't know what comes tomorrow' (Interview 14/5/09), (Interview 14/5), whereas Gwen stated that from her perspective survival is about 'good luck rather than management' (Interview 9/4). Repeatedly, it was luck that featured as the central figure in discussions of survival. In our distinction between survival and death the issue of attempted suicide had not featured. Yet it was due to 'luck' that some of the women we have spoken to are here today. In this respect the most striking and devastating aspect of women's stories we have encountered is the number of times women have cheated death. Whether intentional attempted suicide, accidental overdose, or the result of domestic violence or assault, many women reported these situations had led to near death encounters, for many of them multiple times. The fallout from such experiences has been extremely damaging, resulting in the reinforcement of existing hardships and health issues. In the women we have spoken to there is a direct link between near-death encounters experienced in the post-release period and ongoing physical and mental health issues. Lillian disclosed to us her history of violent relationships and separation from her children. After her release from prison she endured ongoing depression, low self-esteem, boredom and loneliness that led to several suicide overdose attempts. She told us that she suffers from an acquired brain injury that impacts on her memory and this stemmed from multiple attempts on she's made on her own life and brutal domestic violence episodes.

Another story related to us second-hand was about Julie who was so depressed she wanted to die:

'Julie did die, as I said, she drove off a cliff, cause she was running out of options and she said to her mum, "Well how do I kill myself?" and her mum said, "Have you tried driving off a cliff?" So she did, and from my understanding she was clinically dead. She's lost some of her leg ... Julie has two children that's she's desperately doing her best to care for, but she has bipolar and she's still a drug user from my understanding too, and she has had a weird life' (Interview 2/6/09).

For another woman Adele, the issue of women dying is close to her heart. This is because her younger sister who was also in prison overdosed after release. Adele came from a family

where there was familial dysfunction, violence, substance abuse and ‘doing time’ was considered ‘part of life’. This formed a context for her own drug issues from a young age (Interview 14/6/09). While Adele has been out of prison for over two years and is still receiving methadone treatment, she has come a long way due mainly to the support of her partner. She told us:

I’ve OD’d that many times I’ve lost count...With me I had about three times where it was intentional and that was when my grandmother passed and my sister passed. My sister OD’d. The day she got out she OD’d and died. She’d only done two sentences. It was the beginning for her. It was all fun - just like it was for me at that age. Nineteen she was (Interview 14/6/09).

The interviews with women have to date have revealed a direct link between near death encounters experienced in the post-release period and ongoing physical and mental health issues. Among the women we have spoken to, near-death experiences regardless of their context, have served to magnify existing multiple traumas placing women at increased risk of harm while further entrenching their disadvantage and marginalisation. There is a popular misconception that once someone does their time they should emerge ready and refreshed to start again. But the reality is that the prison is a punitive, often at times violent and oppressive institution that serves to break, traumatise and re-traumatise people. In prison the regime, structures and system generally serve to punish in a way which emulates and entrenches past legacies and experiences of violence, abuse and neglect. In this respect, the prison serves to magnify trauma, compound alienation and disadvantage while placing people at considerable risk of harm once released into the community. Some of these abuses and neglects are intergenerational. As an indigenous woman, Gwen also explained specifically about how the prison emulates and reproduces the racist colonial policies of the past:

‘It all goes back to the Stolen Generation and fragmentation of families that happened then...This is what bred the current crisis of young people being incarcerated, taken into care, put in prison...it’s such a cliché to say it’s the Stolen Generation all over again but it kind of is...except we’re just locking them all up in prison and juvenile justice places... Aboriginal women in prison are all products in some way of the Stolen Generation’ (Interview 9/4).

Conclusion: The ‘Prisonisation of Trauma’

The *Surviving Outside* research project has to date highlighted that women dying post-release requires urgent official and community attention, awareness and action. Moreover, in speaking to women about their concerns and experiences, the project draws attention to the precarious existence and pathways that women walk between recovery, survival and death. Highlighted in the journeys of the women we have interviewed is the self-reinforcing prevalence of trauma and its relationship to marginalisation and criminalisation. In this way, prison is more than a contained institution it is pervasive in the way it holds people captive beyond its walls. In this context, Melissa Lucashenko (2002) speaks of the ‘many prisons’ inhabited by indigenous women. For Lucashenko (2002) these prisons are less visible and are governed by entrenched racism, cultural, social and economic inequities: for example, ‘the prison of misunderstanding; the prison of misogyny; and the prison of disempowerment’. Herzing (2005) confers, arguing that ‘there are physical real cages where people suffer greatly...and there are all sorts of other things that prevent people from having access to necessities like poverty and racism. These might seem more abstract than prisons but they ensure that some people have power over others’ (Herzing 2005). Trauma can thus be conceived as comprising another prison or institution, one which is inhabited by multiply

disadvantaged and imprisoned women. We argue that it is a misconception that trauma begins with the actual experience of being imprisoned. Trauma is self-reinforcing and at times profoundly disabling. It is intergenerational, permeates individual and community life and it is bolstered by an entrenched complex of inequities. In spite of this, trauma remains prevalent but is little recognised, understood and supported within communities. Rather than receiving the resources, community support and nurturing they need, traumatised women are often doubly marginalised, criminalised and punished for these experiences. This can only result in the counter-productive increase in state surveillance, interventions and in many cases incarceration, re-incarceration and the onset of multiple harms.

If you have been imprisoned and would like to contribute to the *Surviving Outside* research please contact Bree Carlton or Marie Segrave through Flat Out staff or by email at: Bree.Carlton@arts.monash.edu.au or Marie.Segrave@arts.monash.edu.au

References

- Biles, D., Harding, R., & Walker, J. (1999) 'The Deaths of Offenders Serving Community Corrections Orders', *Australian Institute of Criminology Trends and Issues in Crime and Criminal Justice*, March.
- Coffey, C., F. Veit, R. Wolfe, E., Cini & Patton, G. (2003), 'Mortality in Young Offenders: Retrospective Cohort Study', *British Medical Journal*, 326: 1377-1381.
- Community West/Brimbank Community Legal Centre (2008) *A Prisoner's Legal Service for Victoria*, Community West: Deer Park.
- Davies, S. & Cook, S. (2001) 'Nothing Ever Changes: Imprisoning Women and the Discourse of Needs', *Women in Prison Journal*, 2, 24-26.
- Davies, S., & Cook, S. (2000) *Dying Outside: Women, Imprisonment And Post- Mortality*. Paper presented at the Women in Corrections: Staff and Clients Conference, Australian Institute of Criminology & Department for Correctional Services SA, Adelaide, 31 October – 1 November 2000. PDF: <http://www.aic.gov.au/conferences/womencorrections/cookdavi.pdf>
- Davies, S., & Cook, S. (1999) 'Neglect or Punishment? Failing to Meet the Needs of Women Post-Release', in Davies and Cook (eds), *Harsh Punishment: International Experiences of Women's Imprisonment*, Northeastern University Press: Boston: 272-290.
- Farrell, M. & Marsden, J. (2007) "Acute Risk of Drug-Related death Among Newly Released Prisoners in England and Wales", *Addiction*, 103: 251-255.
- Herzing, R. (2005) 'Abolishing the Prison Industrial Complex: Rachel Herzing in conversation with Trevor Paglen', Recording Carceral Landscapes Project, Creative Interventions, California
http://www.paglen.com/carceral/interview_rachel_herzing.htm, accessed 28/9/09.
- Hobbs, M. Krazlan, K., Ridout, S. Mai, Q. Knuiman, M. & Chapman, R. (2006) *Mortality and morbidity in prisoners after release from prison in Western Australia 1995-2003*. AIC Research and public policy series, no. 71. Canberra: Australian Institute of Criminology. PDF: <http://www.aic.gov.au/publications/rpp/71/>
- Kariminia, A. Law, M. Butler, T. Corben, S. Levy, M. Kaldor, J. & Grant, L. (2007a) 'Factors Associated with Mortality in a Cohort of Australian Prisoners', *European Journal of Epidemiology*, 22: 7 417-428
- Kariminia, A. Law, M. Butler, T. Corben, S. Levy, M. Kaldor, J. & Grant, L. (2007b), 'Suicide Risk Among Recently Released Prisoners in NSW, Australia', *Medical Journal of Australia*, 187:7: 387-390.
- Liebling, A. & Maruna, S. (eds) (2005) *The Effects of Imprisonment*, Cullompton: Willan.
- Lucashenko, M. (2002), 'Many prisons', *Hecate*, 28:1: 139-144.
- RCIADIC Report (1991) Johnson, Elliott QC, Commissioner *Royal Commission Into Aboriginal Deaths in Custody*, Volume 1 & Overview and Recommendations. Australian Government Publishing Service: Canberra.

Inside Access Pilot Project

By Samantha Sowerwine, Coordinator Inside Access

"Ignored, mismanaged, released unprepared, rapidly re-offending and returning to prison. This is all too often the story of the mentally ill offender, repeated and repeated."ⁱ

Inside Access is a project which resources and supports people with mental illness in prison by providing access to specialised legal assistance. It aims to provide access to civil legal services to people in prison and ensure better outcomes for people with cognitive impairment on release from prison.

Identified need

Mental illness is endemic within the prison population, and prisoners with mental health issues are doubly disadvantaged in accessing justice.

Evidence from the most recent comprehensive assessment of prisoner health, the *Victorian Prisoner Health Survey*,ⁱ reveals that women are 1.7 times more likely to have a mental illness than men and are more likely to have attempted suicide.

Women in prison have alarmingly high rates of physical, sexual and emotional abuse, including abuse and neglect as children. Overall, women prisoners are among the most vulnerable, unwell and disadvantaged group in the community.

Women in our prison systems with a diagnosis of personality disorder are offered no appropriate treatment and are at risk regularly self-harm, behaviour for which they are disciplined when really what they are showing is serious emotional distress.

As Professor Mullen stated to the Senate Inquiry into Mental Health:

*There is always a problem with providing mental health care within the context of a prison. The culture of prisons inevitably is a culture of observation and control. The culture of therapy for mental disorder is a culture - or should be - of communication and enablement of people to begin to stretch their capacities and begin to move. You see it very clearly when you come across suicide risk. The response of a prison to suicide risk is to restrict the possibilities of suicide. At the grossest end, you put people in a plastic bubble, take all their clothes away and watch them. That does prevent suicide but it also, in my view, produces enormous destruction to the psychological and human aspects of that individual, and it is not the way to go. So whenever you are trying to provide mental health care to severely distressed and disabled people within a prison, you are running up against a clash of cultures, the result of which can lead to abuse. The only solution is not to try to treat severely mentally ill people and acutely suicidal people in prison. They should not be there. But that does mean a radical rethinking of priorities. Also, it is not just that we do not have the beds and the resources. Sometimes the beds and the resources are there but they are not available to our patients.*ⁱ

The 2008 report of the NSW Law and Justice Foundation, "Taking Justice into Custody" is a detailed study of access to justice by, and the legal needs of, prisoners.ⁱ The report finds that "bringing quality legal help closer to inmates so as to reduce the number of intermediaries

between the inmates and quality assistance” and “recognising points in the incarceration process when it may be most beneficial to engage with inmates to address their civil legal needs” can substantially assist in addressing barriers for prisoners. This means timely provision of legal information, advice, representation and access to processes, and for example, direct access to legal assistance telephone lines and face-to-face civil legal advice services.

These reports and our experience recognise that unresolved civil matters impact adversely on prisoner’s mental health and may cause reoffending - particularly in relation to debt, credit, housing and mental health. People with a cognitive impairment often lack the ability to assert their rights and seek remedy to legal matters. Upon release because of unresolved civil matters their lives may be in chaos leading to further criminalisation.

Innovative service response through partnerships

Inside Access is a pilot initiative of the Mental Health Legal Centre, with funding from the Legal Services Board, specifically harnessing pro bono legal support. It provides an innovative and practical solution to the gap identified both in research and in practice in the availability of civil law services to prisoners with a mental health issue.

With the generous assistance of 20 pro bono lawyers from DLA Phillips Fox, Inside Access commenced clinics at the women’s prison, Dame Phyllis Frost Centre, Marmak psychiatric care unit, in April 2009. We have 25 clients so far, whom we have assisted with a range of civil matters. These include debt, tenancy, access to medical treatment, guardianship/administration, victims of crime and discrimination.

Working in partnership with pro bono law firms and other service providers such as Flat Out, ensures a quality legal service to the clients as well as building capacity. The response from the prison, clients, other service providers and pro bono lawyers has been overwhelmingly positive and we hope to continue the service in the coming year building on the success thus far.

