

Women Transforming Justice
Women's Leadership Group
Fitzroy Town Hall, Level 4
126 Moor Street Fitzroy
PO Box 297

5/07/2019

The Women Transforming Justice Women's Leadership Group Submission to the Royal Commission into Victoria's Mental Health System

Women Transforming Justice

The women's leadership group ('WLG') of the Women Transforming Justice write in response to the call for submissions into the Royal Commission into Victoria's Mental Health System. Women Transforming Justice is a partnership between Fitzroy Legal Service (incorporating Darebin Community Legal Centre) ('FLS'), Law and Advocacy Centre for Women, and Flat Out Inc., and links women when they are first taken into custody and provides them with skilled and integrated legal representation and intensive outreach and case management support in order to assist women to obtain bail, live safely and stably in the community and address drivers of their incarceration.

The Women's Leadership Group

The WLG incorporates Victorian women with lived experience of criminalisation and incarceration. The group is a central component of Women Transforming Justice, a community-based, women specific pilot project aimed at reducing the number of women on remand in Victoria. The WLG is comprised of women with lived experience of criminalisation and incarceration and personal experience of alcohol and drug services, mental health services and other community and social supports.

Endorsements

Fitzroy Legal Service (incorporating Darebin Community Legal Centre)

The Women's Leadership Group have reviewed and support/endorse the recommendations submitted by Fitzroy Legal Service Incorporating Darebin Community Legal Centre.

The Council to Homeless Persons

The Women's Leadership Group support and endorse the Council to Homeless Persons- 'messaging guide to the Royal Commission into Mental Health; Housing, homelessness and mental health'.

The Human Rights Law Centre

The Women's Leadership Group support and endorse the submission put forward by the Human Rights Law Centre, 'Submission on raising the age of criminal responsibility for the royal commission into Victoria's Mental Health System'.

Misdiagnosis

Many women from the leadership group note lived experience of misdiagnosis whilst incarcerated. The WLG in particular wish to draw the commission's attention to the diagnosis, of the expense of accessing private mental health care, and the extensive wait times for public services.

The WLG also wish to note the difficulty in overturning or challenging a diagnosis, and that a mental health diagnosis can often 'label' women in the criminal justice system.

Dual-diagnosis

The WLG wish to draw the commission's attention to issues relating to dual-diagnosis. Many people with dual-diagnosis experience barriers to accessing services. Many community-based health services do not have capacity to address both a person's mental health and Alcohol or Other Drug issues. The WLG expresses concerns that the criminal justice system is relied upon to respond to the needs of individuals with dual-diagnosis, rather than healthcare services.

Recommendation: The WLG recommends that more funding be allocated to provide adequate dual-diagnosis rehabilitation services in Victoria.

Decriminalising Public Drunkenness and Drugs

The Women's Leadership Group asserts that the public drunkenness offences should be immediately removed from Victorian criminal law. As such the WLG also endorses the

submission by the Human Rights Law Centre and the FLS submissions and recommendations.

Low-level drug dealing and trafficking offences:

The WLG wish to draw the commission's attention to low-level drug dealing and trafficking offences. The group notes that courts fail to incorporate a gendered-lens to women's involvement of low level dealing and trafficking of illicit substances. Women may engage in low-level drug dealing and trafficking of illicit substances in order to support their own drug-dependency, in an attempt to avoid sexual exploitation, or committing offences such as burglary or theft.

The WLG also wish to draw the commissions attention to the role family violence plays in the lives of criminalised women and that many women are forced or coerced into low level drug dealing and trafficking in order to retain a level of autonomy from violent partners.

Recommendation: The WLG recommends that (in line with recommendations by FLS) that possession of a drug of dependence, and trafficking of small quantities are reduced from indictable offences to summary offences.

Access to Treatment and Support-in Prisons and Custody Environments

The WLG wishes to express concern about the conditions of prisons for people with poor mental health. The group notes the 'noisy' environment of the Dame Phyllis Frost Centre ('DPFC') and other prisons, which exacerbates mental illness. Further, the poor management by prison staff in providing support to women entering custody who are experiencing withdrawal/detox, and/or women experiencing mental illness. Members of the women's leadership group note that many women are also treated disrespectfully by police and custody staff at 'first contact' when taken into custody. The group note that this process is often dehumanizing and traumatic.

The WLG also wish to express concern over the 'infantilised' approach used by police and custody staff when speaking with incarcerated women.

Access to medical staff and treatment

The WLG wish to draw the commission's attention to the long time-delays for women entering custody in accessing medical treatment. The group expresses concern with delays in receiving medical care when first taken into custody. The group also notes that they have witnessed other women in custody 'begging for medical care or medication'.

'I was arrested on a Friday night...I didn't see a medical staff member until the following Monday.'

SWAN 2 Unit (lock-down unit)

The WTG group would like to draw the Commissions attention to a number of experiences and witnessed incidents at DPFC, particularly the SWAN 2 unit. Members of the WTG group have personally experienced, or witnessed long-term placement of women in the SWAN 2 Unit at DPFC who are experiencing psychological distresses, or are self-harming or exhibiting symptoms of trauma.

The WLG want to express their deep concern at this practice in DPFC and the ongoing punishment and mistreatment of women experiencing trauma and mental distress. The WLG also wish to express their concern that many of the experiences of trauma experienced by women such as family violence and sexual violence are responded to punitively by DPFC.

Management of Medication

The WLG want to advise the commission of concerns in relation to the management of prescription medication in the DPFC. A number of the members of the Women's Leadership Group have been denied appropriate and consistent medication whilst incarcerated, and advise of the poor management of medication at DPFC. The group members with direct experience of incarceration at DPFC note that any medication women may have with them at time of being taken into custody is taken from them, and not replaced. The group further advise that community medication regimes are discontinued when women are taken into custody and that DPFC does not provide ongoing and consistent treatment. Additionally, dispensing of medication is poorly managed and often inaccessible at time of need.

Further, it has been observed that there is no process currently in place to ensure consistent medication regimes that commence in DPFC, continue once women are released into the community. For example, women taking anti-psychotic medication are not provided an ongoing prescription and are expected to immediately attend a GP in order to be provided one. Women have a high number of demands and expectations upon leaving custody and may not be able to make an appointment in a timely manner. The group also notes that women may not have a Medicare card or healthcare card upon leaving custody, creating an additional barrier to accessing required medical care and prescriptions.

Further, the Women's Leadership Group has observed that many incarcerated women will hold onto medication (particularly pain medication) in order to save it for when they most need it to manage pain. The group note that women will save medication to manage toothaches and pain as a result of menstruation.

Recommendation: The WLG recommends that the Dame Phyllis Frost Centre provide adequate and appropriate medical care to ensure the correct management of medication and adequate support for pain management.

Detox

It has been observed by the members of the Women's Leadership Group that there are limited supports in place for people who are experiencing withdrawal from substances such as Alcohol, ICE/Methamphetamine, Benzodiazepines, GHB and Opioids. The group is particularly concerned that there is currently no drug replacement therapy immediately available for people withdrawing from Heroin. Further, the current detox regime, for substances other than heroin (limited to 3 days) at DPFC, is completely inadequate.

The group also wishes to advise that women will often spend extended periods of time in custody cells experiencing detox and no adequate support.

It is of further concern that members of the WLG have observed at DPFC that support is not provided until *after* the person has detoxed. People are rarely provided appropriate medical care and support when they are detoxing, and when support is provided, it is often only in response to a serious medical issue. Further, once a woman has completed

detoxing, they are then put on a methadone scheme, which for many women, creates a new addiction.

'The prison will sometimes throw women into the slot and leave them there to detox...it was just a normal cell...I was just dying.'

Recommendation: The WLG recommends for DPFC to implement an adequate detox process for all women incarcerated at DPFC.

Referral Pathways-Rehabilitation

The WLG wishes to also express concern in relation to the barriers in accessing rehabilitation in both prison and the community. Of particular concern is the limited number of residential rehabilitation beds and extensive waitlists. The Women's Leadership Group also express concern at the limited number of family residential rehabilitation places available across Victoria.

Recommendation: The WLG recommends for the State Government of Victoria to increase funding in order to increase the number of rehabilitation places across Victoria.

Recommendation: The WLG recommends that the State Government of Victoria provide funding for and increase the number of family residential rehabilitation places.

Recommendation: The WLG recommends that the State Government of Victoria ensure free access to rehabilitation and detox services in the community provided through Medicare.

Suicide and self-harm

The WLG expresses concern to the commission regarding the current responses to self-harm and suicide ideation or attempts by women in custody at DPFC. The group expresses deep concern at the practice of removing women from general population and

placing women in a 'wet cell'¹. The group expresses concern at the use of violent restraint practices used against women who are self harming or in psychological distress.

The group also expresses concern at the use of isolation as a common practice at DPFC in response to suicide ideation and self-harm and believe that these practices and lack of appropriate mental health care in DPFC contribute to the exacerbation of women's poor mental health whilst in custody.

Recommendations:

- **The WLG recommends for an independent review into the current practices/policies at DPFC.**
- **The WLG recommends for the Royal Commission into Victoria's Mental Health System to conduct consultations with people in prison to discuss their experiences of mental health care in the prison system. The WLG further supports the recommendation by FLS that the commission 'attend prisons and youth detention centres to take oral evidence, in person, from adult and child prisoners on their lived experience of mental illness in the criminal justice and prison systems and proposals they may have for systemic improvement including:**
 - Their experience of the relationship between their mental health and contact with the criminal justice and prison systems
 - The impact of imprisonment on their mental health
 - Their experiences of accessing – or attempting to access - mental health treatment and support both in the community - before and after imprisonment- and in prison
- **The WLG recommends for DPFC to institute a trauma informed policy and practices for women at DPFC experiencing suicide ideation and self-harm.**

¹ 'Wet cell' refers to cells used in behaviour management units such as Swan 2 at Dame Phyllis Frost Centre. Wet Cells are used for the purposes of isolation.

Relationships and Mental Health

The WLG wish to draw the commission's attention to the connection between relationships and mental health. In particular, the influence of prison culture and its impact on women attending and participating in programs. The existing prison culture presents a significant barrier for women to receive support to identify abusive and violent relationships. Further, prison staff do not effectively assist women to manage arising relationship issues with other incarcerated women, which can exacerbate mental distress.

'If you arrived in prison, and come out of the 'hole' — for women a lot of the time, we are committing crimes in conjunction with our partners, who are abusive or toxic. I have found that arriving in prison with all of that relationship stuff, there is no way of dealing with it.'

'So much of "in there" is how you protect you privacy and self image — a lot of women, because of prison culture wont access programs that are available. You wont make yourself that vulnerable in there.'

'I asked a prison officer; "you must prefer working in a women's prison?" She replied that she had worked in both men and women's prisons, and preferred working in men's prisons. I asked her why. She said it was because of mental health.'

Recommendations:

- **The WLG recommends that a gendered approach be applied and informs all practices by Corrections officers at DPFC.**
- **The WLG recommends that access to therapeutic counselling be increased to women at DPFC including access to counselling for women who have experienced extreme violence.**
- **The WLG recommends for counselling to be provided to remanded women.**

Housing and Mental Health

The Women's Leadership Group would like to draw the commission's attention to the current Victorian housing crisis. The WLG wants to emphasise the connection between homelessness/unstable housing and poor mental health. This connection is well documented by the Council to Homeless Persons' messaging guide to the Royal Commission into Mental Health; Housing, homelessness and mental health.

Commission Housing:

The Women's Leadership Group expresses concern over the housing of vulnerable people with AOD/MH in commission housing with limited supports, and notes the prevalence of the availability of illicit substances at these properties. The Women's Leadership Group notes that a number of housing commission properties are unsafe and sources of ongoing drug activity.

The Women's Leadership Group also notes that housing vulnerable communities allows for trauma and substance misuse and untreated mental health to continue and emphasises that trauma can be compounded when vulnerable individuals and families are placed in unsafe housing environments with limited/insufficient supports. This environment does not allow people to heal and recover. This fosters a breeding-ground of continued substance abuse.

Boarding Houses and Crisis Accommodation

The WLG expresses concern regarding the lack of safety at rooming/boarding houses in Victoria. The group also notes the prevalence of drug use and availability of illicit drugs at boarding house and rooming house properties. The instability and lack of safety at boarding houses exacerbates poor mental health and wellbeing.

The WLG expresses concern over the lack of safety at many crisis accommodation facilities, and also notes the limited accessibility and availability of crisis accommodation, leading to many people experiencing homelessness.

The WLG is also concerned with the lack of availability of housing for women leaving prison and that many women are directed to motels and boarding houses. The group

also advises that some women may accept boarding houses in order to appease the Department of Health and Human Services (child protection) or have chosen to instead sleep in their car as they felt the boarding house was too unsafe.

The WLG also want to draw the commission's attention to the unsafe conditions, poor hygiene and high expense of boarding houses. The group also notes that women leaving prison are expected to reside in boarding houses and are not provided any other options.

Recommendations:

- **The WLG recommends for the State Government of Victoria to invest in social and community housing to sufficiently address the Victorian housing crisis.**
- **Given the current safety concerns regarding community and social housing properties, including commission housing and boarding houses, the WLG recommends that the State Government of Victoria invest in individual housing with support workers in non-ghettoized areas.**
- **The WLG recommends that the State Government of Victoria provide efficient and ongoing support in the community for people experiencing housing instability or homelessness.**
- **The WLG recommends that the State Government of Victoria develop safer housing options for criminalised communities to address the ongoing homelessness of people exiting prison.**