



## **Build Homes Not Prisons**

### **Stop the expansion of Dame Phyllis Frost Centre**

Submission to the Legal and Social Issues Committee's Inquiry into Victoria's Criminal Justice System

**22 September 2021**

## Homes Not Prisons

Homes Not Prisons is an activist coalition led by a steering group of First Nations women, trans and gender diverse ('TDG') people and women and TGD with lived experience of imprisonment. The coalition was formed in March 2021 following the Victorian Government's announcement of a 106-cell expansion of Victoria's maximum-security prison for women, the Dame Phyllis Frost Centre at a cost of \$188.9 million, part of a \$1.8 billion capital budget for new and expanded prisons across the state.

Homes Not Prisons has two objectives: stopping the expansion of the Dame Phyllis Frost Centre ('DPFC') and reallocating the \$188.9 million to "housing first" for criminalised women and their children.

In May 2021, the coalition published an online open letter calling on the Victorian Government to stop the expansion of Dame Phyllis Frost women's prison and reallocate the funds to public housing.

At time of writing this submission, more than 2,000 people have signed the open letter, including people with lived experience and their families and friends, workers who support people inside and on release, academics who study the impacts of imprisonment, and a diverse range of people deeply concerned about the intergenerational harms caused by spiralling rates of imprisonment, homelessness and housing insecurity in Victoria.

This submission is made by and on behalf of the Homes Not Prisons coalition, with particular thanks to members – some named below – who contributed to the many drafts:

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***Homes Not Prisons acknowledges the traditional owners of the unceded land on which all contributors to this submission live and work, and the ongoing work of Aboriginal and Torres Strait Islander peoples, communities and organisations working to unravel the injustices imposed on First Nations people since colonisation.***

**Sign the open letter at:** <https://homesnotprisons.com.au/>

**Website:** <https://homesnotprisons.com.au/>

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## Executive Summary

The Homes Not Prisons coalition makes this submission to the Legal and Social Issues Committee's Inquiry into Victoria's Criminal Justice System (**the Inquiry**) on the Inquiry's terms of reference about what the Victorian Government can do to **address growing remand and prison populations**.

The Homes Not Prisons coalition is led by women and TGD people with lived experience of prison who say, with the authority of their own experience, that prisons are violent and harmful. They are places where people are subject to cruel and degrading treatment – like strip searching, solitary confinement and physical and chemical restraint. They are never “therapeutic”. This submission centres their voices, and members of the coalition would welcome the opportunity to speak to their experiences by giving evidence to the hearings being held by the Inquiry.

Imprisonment rates in Victoria are spiralling, largely driven by the recent changes to bail laws that have seen the rapid increase of the number of unsentenced people in prisons. Due to systemic factors – like discriminatory laws and racist policing – First Nations women are now the fastest growing group of people in prison.

Instead of funnelling more and more women and TGD people, and more and more money, into prisons, the Victorian Government needs to stop punishing women and TGD people for experiencing housing stability and instead invest in appropriate and accessible public and Aboriginal Community Controlled housing that support people and their families to avoid contact with the criminal legal system.

This Inquiry presents an opportunity to make the criminal legal system fairer for everyone, and this submission makes **two key recommendations** to help achieve this:

1. The Victorian Government must stop the planned expansion of the Dame Phyllis Frost women's prison; and
2. The Victorian Government must re-allocate the money budgeted for expansion of the prison to build and support new public and Aboriginal community-controlled homes.

*[Imprisonment of Indigenous women] has exploded. It's exploded because of our high visibility, because of racist policing. Racist policing, racist court systems... the entire system is stacked against us from the word go. Of course, that becomes our children as well... It's a pipeline to prison. We know that and we've known that for years, yet we continue with these same policies that ensure First Nations people, especially women and children, are trapped in the system for the entirety of their lifetime.*

██████████  
Formerly incarcerated Yuin woman and member of the Homes Not Prisons Steering Group

*The government is criminalising everything. No matter what the issue is, the response is a police response - family violence, mental health, drug and alcohol... The default position is to be put in jail. Once you're put in jail you have to work really hard to get out.*

Amy (pseudonym)

Formerly incarcerated woman and member of the Homes Not Prisons Steering Group

*As a society, we need to re-imagine what justice looks like. Right now, justice looks like taking someone to court and locking them away. That doesn't feel like justice to me.*

██████████  
Formerly incarcerated Gunditjmara woman and member of the Homes Not Prisons Steering Group

*We could actually empty out women's prisons across this country without any issues at all. That's the reality. And when the community knows who's actually in our prisons, then they can understand that.*

██████████  
Formerly incarcerated woman and member of the Homes Not Prisons Steering Group

## Recommendations

This submission calls on the Inquiry to recommend that the Victorian Government:

1. Stop the planned 106-bed expansion of the Dame Phyllis Frost women's prison; and
2. Re-allocate the \$188.9 million budgeted for expansion of the prison, to build and support 1,000 new public and Aboriginal community-controlled homes.

## Prisons are violent and harmful, not “therapeutic”

Homes Not Prisons is led by women and TGD people with lived experience of prison who say, with the authority of their own experience, that prisons are not “therapeutic”. They are violent and harmful.

Women in prison are overwhelmingly victim/survivors of trauma, including sexual assault and family violence (ANROWS, 2020; Corrections Victoria, 2019). Imprisonment itself is a critically traumatic incident in women's lives (Kilroy, 2005; Segrave & Carlton, 2010; Stathopoulos et al., 2012). Imprisonment contributes to further.

Prison compounds trauma in multiple ways, including through the forced separation of people inside from their family and community, their primary support and care networks. Many are separated from their children, causing harm to the parents inside and the children left behind.

***They're not given adequate visitation with kids, access to their kids, access to medication for their mental health, for drug and alcohol... They lose housing, they lose support, they lose family, they lose community around them.***

*Claudia (pseudonym), formerly incarcerated woman and member of the Homes Not Prisons Steering Group*

Prison harms are intergenerational. Even a short stint in prison lands the children of many imprisoned mothers in out-of-home care – foster care and group homes. This is a pipeline into juvenile detention and prison.

Prisons do not support families, resolve drug use or improve mental health. In prisons, there is very limited access to mental and physical health services – especially on remand (Harner & Riley, 2013). Imprisoning people does not address any of the issues someone is facing – it makes them worse.

*I was in a pretty horrific family violence relationship for about 6 years. When we separated he kidnapped my daughter and that sent me down a path of homelessness and really heavy drug addiction. I think that my way of surviving and protecting myself was to surround myself with people that I wouldn't have usually surrounded myself with, and got involved with a bit of criminal activity. After 12 months of homelessness I ended up being arrested, I'd been arrested multiple times, I got chucked in Dame Phyllis Frost women's prison. That for me, and for many women, was very scary. I was a first-timer, I was withdrawing from drugs, I received no medical care... and I was chucked by myself in a cell in the middle of the night...*

*I was released into an unsafe situation with my violent ex-partner's father. After about a week I put myself back on the street because it was much safer.*

*Claudia* (pseudonym), formerly incarcerated woman and member of the Homes Not Prisons Steering Group

Prisons are places of surveillance and control, which can re-create the power dynamic of an abusive relationship for women who have experienced family violence (McCauley, Campbell, Buchanan & Moylan, 2019; Stathopoulos et al., 2012). The ethos of power and control is integral to the penal system and the associated stigma is at odds with the “rehabilitative” aims (Johns, 2019; Russell & Carlton, 2013; Stathopoulos et al., 2012).

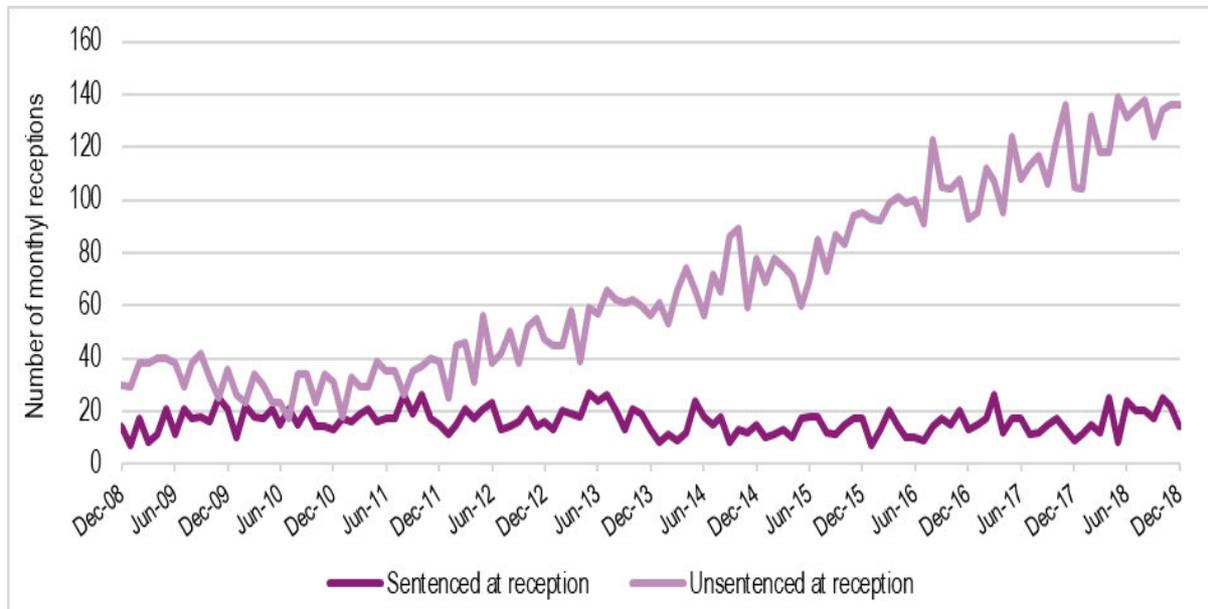
Many imprisoned women are survivors of multiple forms of trauma, and this often leads to homelessness or substance use (Franich, Sandy & Stone, 2020; Russell & Carlton, 2013; Segrave & Carlton, 2010). Thus, community, social supports, and assistance - such as housing - is needed. Rather, the current model continues to perpetuate cycles of violence and harm through incarceration. Too often people are trapped in the revolving door of prison.

Further harm and traumatisation of people inside prisons occurs through the operation practices of the prison, which include repeated strip-searching, physical restraint, chemical restraint, and solitary confinement. Practices such as strip-searching and physical restraint can be highly invasive and trigger trauma memories (Kilroy, 2005; Stathopoulos et al., 2012). The use of these violent practices needs to end.

Unsurprisingly, jurisdictions that spend more on prisons and less on housing and social services have higher crime rates. Increased spending on housing is associated with decreased violent crime and lower rates of incarceration (Justice Policy Institute, 2007).

## Imprisonment rates for women are spiralling

Imprisonment rates in Victoria are spiralling, largely driven by the recent changes to bail laws that have seen the rapid increase of the number of unsentenced people in prisons.



Number of monthly female prisoner receptions in Victoria by whether received under sentence (Walker, Sutherland & Millsted [Crime Statistics Agency Victoria], 2019)

The statistics show us the worst impact is on women, and particularly First Nations women, who are now the fastest growing group of people in prison. In 2008, six per cent of women in Victorian prisons identified as Aboriginal or Torres Strait Islander women. By 2018, this had increased to 13 per cent, despite First Nations women comprising less than 1% of women in the state aged over 18 (Corrections Victoria, 2019a; ABS, 2020).

The Dame Phyllis Frost women's prison has a 604-bed capacity. When new cells are built, they are filled - over the last twenty years, capacity has grown by 440 beds (270%) and the number of women in prison has increased 212 per cent, from 183 women on 30 June 2000 to a peak of 575 on 30 June 2019 (Corrections Victoria, 2021a).

In May 2021, *The Age* reported on "confidential high-level government documents" from late 2019 and early 2020 that forecast the prison system would be over-capacity by 2024 under existing policies (Millar, Vedelago & Mills, 2021). According to the report, the leaked documents showed that most government departments supported reform of bail laws to

prevent ongoing explosion in the numbers of people imprisoned on remand, but Victoria Police were “firmly opposed to any winding back of bail laws”.

Prison numbers reduced during the COVID-19 pandemic, which shows that it is possible to reduce imprisonment rates. At the height of the pandemic in 2020, the number of women at Dame Phyllis Frost women’s prison dropped for the first time in decades, from 522 women in February, to 333 women in June 2020.

Since mid-2021 the number of unsentenced women in Dame Phyllis Frost women’s prison has exceeded the number serving sentences. On 13 September 2021 there were 366 women at Dame Phyllis Frost women’s prison, 205 on remand and 161 serving sentences.

This means that more than half the women in prison are currently detained before they have had their day in court and been found guilty of the alleged offending for which they were arrested. Imprisonment has increasingly become a “first resort” rather than a “last resort”.

### **Broken bail laws**

The changes to bail laws, while were promoted as “protecting” women, are having the opposite effect.

*I was denied bail even though I have legal custody of my then 7-year-old son, this was not considered to be exceptional circumstances in the court’s eyes. I was instead sentenced to a short term of imprisonment to ‘dry out.’ Being a survivor of family violence and sexual abuse, I was further subjected to violence and systemic abuse.*

■■■■, formerly incarcerated woman, and member of the Homes Not Prisons Steering Group

Victorian bail laws in changed 2013 and 2018 - following serious offences committed by men on bail – men who *should* have been identified and managed by police as high risk. In an increasing number of cases, police are no longer required to show that an accused person poses a risk to the community, nor do they need to show that they are a “flight risk” for bail to be refused. This legal burden has been shifted away from the police and the state, and onto the accused person.

People appearing in court on criminal charges – even on the most low-level wrongdoing like drug or shop theft charges – and without legal representation, increasingly must show “compelling reasons” or “exceptional circumstances” as to why they should get bail. This is making imprisonment on remand the default setting in too many cases in Victoria.

Showing “compelling reasons” or “exceptional circumstances” is not easy or straightforward, especially for those who are not legally trained or do not have significant experience in the courts and criminal legal system. It requires knowledge of legal precedent and complex legal arguments, which for most people who are forced to face court without a lawyer simply cannot make.

The result is spiralling numbers of people who pose low or no risk to the community being denied bail and remanded into prison to await trial, sometimes (especially during COVID-19 when the courts are clogged) for years. The years they spend waiting often exceeds the maximum penalty for the crime/s they are accused of, resulting in swelling numbers of people inside prisons, who simply should not be there. People are being punished for the actions of others and for experiencing systemic disadvantage.

One of those women is Auntie Veronica Nelson, a 37-year-old proud Gunditjmarra, Dja Wurrung, Wiradjuri and Yorta Yorta woman, who died at Dame Phyllis Frost women’s prison on 2 January 2020. After being taken into custody on 30 December 2019 for low-level offending, and appearing in court without a lawyer, Ms Nelson was denied bail and was locked up on remand at Dame Phyllis Frost women’s prison. She died three days later, distressed, and crying out in pain, alone, in a locked cell.

### **The pressure to plead guilty**

People on remand come under intense pressure to plead guilty, even where they deny the offence or have a valid defence. They simply want to get the matter over with so that they can go home. Pressure to plead guilty is particularly intense for mothers on remand at Dame Phyllis Frost women’s prison, who are anxious to get back to their children as soon as possible.

### **The police to prison pipeline**

Crucial to understanding and addressing women’s imprisonment and the criminalisation of women, trans and gender diverse people who experience family violence in Victoria is examining the expanded role of family violence policing and its consequences. It is frequently

from this point of police contact with victim-survivors that the cascading trajectory of criminalisation and incarceration is set in train.

Practice-based and anecdotal evidence from people with lived experience, and the projects and centres that work to support them, is that family violence policing continues to:

- raise a suite of police accountability issues,
- disproportionately target Aboriginal and Torres Strait Islander people and survivors of colour,
- criminalise survivors of violence at alarming rates.

Aboriginal women continue to be criminalised at staggeringly high rates, are the fastest growing population of people in prison in Victoria. They are bearing the brunt of intersecting state and interpersonal gendered violence.

*I was at home one evening, it was about 7.30, I was just watching TV. I heard a knock at the door, I knew straight away that it was the police because he'd been sending me text messages taunting me that he was going to do this ... it was part of the punishment...and when I opened the door the officer told me there was an interim IO [intervention order] in place against me...my stomach just turned. I knew I was trapped and there was nothing I could do about it. They already knew about his family violence because of his earlier assaults, it was the same police station, but they did this anyway...*

*When I told my family, they insisted I leave town for safety. When I went to the police DV unit in the [regional] area I was staying in to ask for help, they threatened to charge me. Later the original police station pursued eight charges against me.*

■ criminalised survivor of family violence

Observable trends emerging from practice include discrimination or bias from police (based on race, gender, sexuality, disability, history of criminalisation, mental health, substance use etc). Of specific and notable concern is the number of women experiencing violence who are identified by police as the “primary/predominant aggressor”, and thus listed by police as respondents on police-initiated Family Violence Intervention Orders (FVIOs). In practice this

“misidentification” occurs at high rates where the victim-survivor of violence is Aboriginal or Torres Strait Islander, is a Woman of Colour, is trans or gender diverse, or has previously been criminalised. As such, as such, we understand misidentification it as the deliberate weaponisation of enduring prejudices in policing. Where victim-survivors have histories of criminalisation, the cascading consequences (including charges, incarceration, homelessness, and other harms) can be rapid, intensified and compounding.

Examining and critiquing the harms of policing – including that carried out in the name of responding to family violence – and the ongoing expansion of policing and prisons in Victoria is crucial to addressing the ways this propels increased criminalisation of victim-survivors, predominantly women, as well as the ongoing over-policing of Aboriginal and Torres Strait Islander and Culturally and Linguistically Diverse communities.

### **Punishing women without secure housing**

There has been a faster and larger increase in the number of women imprisoned on remand than for men. Women entering prison on remand increased by 155 per cent, from 525 to 1,341 from 2012 to 2017. Over the same period, the number of remanded men increased just under 100 per cent (Corrections Victoria, 2019).

Women are increasingly being punished for not having secure housing and becoming the victims of misguided and harmful “therapeutic remand”. Approximately one in four women (26 per cent) entering prison on remand in 2015 and 2016 reported they were homeless or in unstable housing before being detained in prison (Walker et al, 2019). Aboriginal women were less likely to be in stable housing than non-Aboriginal women.

Escalation in the imprisonment of women on remand coincides with increasing rates of homelessness, especially for Aboriginal women and women escaping family violence. It is not uncommon for courts to remand women into custody ‘for their own good’ because of the lack of other options for accommodation and support.

***Magistrates will refuse bail and use imprisonment as a way to ‘rescue’ women from a domestic violence situation, or drug addiction, homelessness, alcohol use... any of these things can be a reason that a magistrate will remand an Aboriginal woman into the prison system... [and] you need to be sentenced for***

*at least twelve months to access any of the services, which are totally inadequate anyhow.*

██████████ formerly incarcerated Yuin woman and member of the Homes Not Prisons Steering Group

The Homes Not Prisons coalition submits that imprisonment is not, and cannot be, “therapeutic”. Courts are so often unable to identify safe and suitable accommodation and support outside prison – this is an indictment on the state of Victoria. **Provision of such accommodation should be an absolute priority.**

### **Dire lack of housing**

A dire lack of housing contributes directly to increasing incarceration rates. Without safe and permanent housing people cannot access bail, parole, or successfully complete community corrections orders.

Approximately one-quarter of remand receptions at the women’s prison reported homelessness or housing instability prior to entering prison (Walker et al., 2019). Accessible and supported public housing will work to reduce the numbers of people entering prison by alleviating one of the key factors contributing to incarceration.

*The other aspect [of being denied bail], because of housing, because my case was a family violence incident - intervention orders were automatically put in place. Rubber stamped by the court, and I couldn’t go near my husband, I couldn’t go back to my children or my house. So... I didn’t have a house to be bailed to. That’s where housing comes in. If you are criminalised, you are out of luck if you are homeless to start with, or you can lose your house based on types of offending, and you won’t get bail if you do not have a house to go to.*

*Amy (pseudonym) formerly incarcerated woman and member of the Homes Not Prisons Steering Group*

The budget for the expansion of Dame Phyllis Frost women’s prison is \$188.9 million (Victorian State Government, 2021). This would build 1,000 new public homes (Lawson, Pawson, Troy, van den Nouwelant & Hamilton, 2018). Operating costs for the 106 new cells will be at least \$12.5 million a year – enough for basic operating costs for 1,614 public homes (Productivity Commission, 2021).

The Homes Not Prisons coalition calls for a change of priorities - away from police and prisons and **towards strengthening communities.**

Since they were first elected, the Andrews Government has massively increased funding to police and prisons. This has been one important contributing factor to the increased criminalisation and imprisonment of First Nations people, women and TGD people, users of alcohol and other drugs, people with poor mental health and cognitive disabilities, and people living in poverty and without secure homes.

The Andrews Government has disproportionately increased spending on police and prisons. Community organisations who work with family violence, health, education, alcohol and other drugs, disability support, counselling, housing agencies and youth support have all been left behind. These are the agencies who are best equipped to provide tailored and holistic support and those most in need in our communities – to support the people who are ending up criminalised and incarcerated, when instead they could be receiving care and the things that they need in their communities.

Police and prisons are not the appropriate agencies to handle these complex and complicated matters which impact people's lives in negative ways. Victoria needs more housing, income support, alcohol and other drug treatment, community and residential mental health and disability services - not more police and prisons. Without serious investment in these community-based organisations and responses, the numbers of people in prison will continue to rise.

## **A Big *Public* Housing Build, not a Big Prison Build**

The Homes Not Prisons coalition calls for expansion of public and Aboriginal Community Controlled housing on a “housing first” basis for criminalised women and TGD people and their families.

While the Homes Not Prisons coalition welcomes the Victorian Government’s announcement of a \$5.3 billion Big Housing Build in the 2020/21 state budget, the initiative is focused on expanding privately owned and operated “community” and “affordable” housing – not public housing (Dodd, Rodrigues, Sequeira, & Watkins, 2020; Homelessness Australia, 2021). The only new public housing in the package replaces public housing that has been demolished in the Public Housing Renewal Program, under which private developers have been funded to replace public housing with “social housing” (Kelly, Porter & Shaw, 2020).

Most community and “affordable” private housing are not accessible to criminalised women and TGD people and their children because:

- Rents are not capped at 25% of income, meaning that people experiencing poverty and financial hardship cannot access social housing.
- A significant proportion excludes tenants with criminal histories, drug dependencies and even mental illness.
- Tenancies are more insecure, with much higher eviction rates for households struggling with extreme poverty, family violence, alcohol and other drugs and poor mental health.
- Community housing providers are not under the same obligations as government housing to give priority access to applicants who are homeless or at risk of homelessness.
- Rooming houses can be classified as “community housing”. They are short-term, insecure, often dangerous, and unsuitable for women and TGD people, especially those with children.

The Victorian Government must move towards providing real, practical supports in the community that divert women and TGD people from incarceration and reduce prison populations. This must be led by a large-scale public housing build that will create dignified, accessible accommodation for women and TGD people and their families.

***When people are in prison, if they’re housed, they can lose their housing. So, when they are released they may be able to access two nights of motel accommodation and sometimes they are released straight into homelessness.***

***We're seeing women with extensive trauma histories being forced into rooming houses with men.***

***Anonymous***, Outreach support worker and Homes Not Prisons activist

Motels, rooming houses and Corrections-run bail or parole houses are not good enough. What is needed is permanent, self-contained housing in which women and TGD people are supported to take care of themselves and their children.

Several members of the Homes Not Prisons steering group are also workers at Fitzroy Legal Service in the Women's Leadership Group, a group of women with lived experience of criminalisation and imprisonment. The group has written extensively on the need for safe, secure, and dignified housing:

***The Women's Leadership Group 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.***

***We are concerned about the lack of safety at many crisis accommodation facilities, and the limited accessibility and availability of crisis accommodation, leading to many people experiencing homelessness.***

***We are also concerned with the lack of availability of housing for women leaving prison and that many women are directed to motels and boarding houses.***

***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. We want to draw 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.***

**██████████** formerly incarcerated women and members of the Fitzroy Legal Service Women's Leadership Group and the Homes Not Prisons Steering Group

Women, trans and gender-diverse people with lived experience of prison are very clear: Prisons worsen trauma, drug harm and mental health. Secure, self-contained accommodation free from punitive surveillance and control provides a base for healing. From a safe and secure home, women and TGD people and their children can take steps to address childhood and family violence, alcohol and other drug issues, mental health, build healthy relationships and build and maintain community ties.

*This is my first experience of feeling safe, even a little bit safe. I have searched all of my life for a home. The government and services need to provide more housing. You cannot have a 20-year waiting list. People will die. The housing crisis is perpetuating violence, death, putting people at risk and increasing vulnerability.*

*Lack of housing enables people to be sexually abused, financially abused and children to be removed. You cannot get a house without a job, and you cannot get a job without a house. Centrelink is not enough. We need a living wage.*

█ *formerly incarcerated woman and member of the Homes Not Prisons Steering Group*

At present there is a lack of appropriate options for women and TGD people and their children to safely remove themselves from violent or risky situations. This leads to many women and TGD people becoming homeless, increasing the likelihood of negative encounters with police. **They need housing.** A public housing initiative would be an appropriate, safe and long-term solution. This type of framework and policy would pivot the criminal legal system away from being the solution to homelessness and violence, and instead offer appropriate public housing to stop people being placed in dangerous situations and further criminalised.

Lastly, and significantly, one of the key ways that safe, accessible, and affordable housing would work to reduce the ongoing re-traumatisation of prison is that women and TGD people would have an address to be bailed or paroled to – instead of being held in prison.

## **End solitary confinement**

Solitary confinement is torture and should be banned, not expanded. Yet the proposed expansion of Dame Phyllis Frost women's prison includes two new 20-bed "management units" for segregation and solitary confinement (ICN, 2021).

Aboriginal and Torres Strait Islander women, women with cognitive impairment, mental ill-health, drug dependency, and transgender and gender diverse people are always over-represented in solitary confinement.

The Royal Commission into Aboriginal Deaths in Custody found, 30 years ago, that it is "undesirable in the highest degree" for Aboriginal and Torres Strait Islander peoples to be placed in solitary confinement (Australian Human Rights Commission, 1996; Victorian Ombudsman, 2017). It is deeply concerning that the expansion of Dame Phyllis Frost women's prison involves building segregation units. As highlighted throughout this submission, prison compounds trauma, and solitary confinement compounds it even more.

Successive reports in Victoria have highlighted that seclusion, isolation and restraint are harmful and stand in sharp contradiction with principles of cultural safety (Armytage, Fels, Cockram & McSherry, 2021; Victorian Ombudsman, 2017).

The Royal Commission into Victoria's Mental Health System found that that the use of seclusion and restraint is a breach of human rights and constitutes cruel and degrading treatment under international human rights law. Considering this, the Royal Commission recommended that the Victorian Government act immediately to reduce the use of seclusion and restraint, with the aim to eliminate these practices within 10 years (Armytage, Fels, Cockram & McSherry, 2021).

### **Solitary confinement cannot be "trauma informed"**

Corrections Victoria and the Victorian Government have said that the proposed new "management units" (more accurately described as segregation/solitary confinement units) at the Dame Phyllis Frost women's prison will be "therapeutic" and "trauma informed".

We have heard this before. In March 2019, the Premier announced the opening of the Rosewood Unit as part of a "Mental Health and Wellbeing precinct" for "women prisoners with complex needs...(including) intellectual disabilities, physical disabilities (and) acquired brain

injuries...” at Dame Phyllis Frost women’s prison. The unit included two “quiet rooms” for “therapeutic” solitary confinement (Premier of Victoria, 2019). The Homes Not Prisons coalition understands from people in the Dame Phyllis Frost women’s prison that the two “quiet rooms” in the Rosewood Unit have proved unusable because women and TGD people held there cannot be heard from the outside.

*The new building based on therapeutic benefits will just be another multi-coloured, underprepared unit with Corrections officers who have no training to deal with trauma, no qualifications to help or aid anyone.*

*Explaining day to day life in Dame Phyllis Frost women’s prison can be best summed up by saying it is upside down and back to front... Hundreds of thousands of taxpayers’ money spent on two “quiet rooms” equipped with hundreds of dollars of equipment, bean bags and technology never to be used because no-one thought about how, once a person is inside, they can call out for help...*

*Will Corrections Victoria learn from Rosewood’s mistakes or just make Rosewood 2.0?*

*Anonymous, currently incarcerated member of the Homes Not Prisons Steering Group*

The use of enforced isolation conflicts with recovery-oriented and trauma-informed practice. Incarcerated people’s trauma is neglected and exacerbated at a systemic level. The impacts of solitary confinement are well documented and include panic attacks, chronic depression, paranoia and psychosis (Victorian Ombudsman, 2017). These are long-term effects of dehumanising treatment.

Construction of “management units” for solitary confinement should be halted immediately, and the Victorian Government must move away from fixation on punishment and restraint and turn towards ways of supporting people to remain connected with their communities.

## Conclusion

To address growing remand and prison populations, the Victorian Government must invest in appropriate and accessible public and Aboriginal Community Controlled housing that supports women and their families.

A lack of safe and accessible housing is a key driver of Victoria's spiralling prison and remand population. If there was a **Big Public Housing Build**, with a focus on providing "housing first" to women and TGD people who are criminalised or at risk of criminalisation, plans to expand the Dame Phyllis Frost women's prison would become redundant.

### **The Inquiry should therefore recommend that the Victorian Government:**

1. Stop the planned 106-bed expansion of the Dame Phyllis Frost women's prison; and
2. Re-allocate the \$188.9 million budgeted for expansion of the prison, to build and support 1,000 new public and Aboriginal community-controlled homes.

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