



Deaths In Custody Watch Committee (WA) Inc.

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TIME FOR WA TO STOP JAILING FINE DEFAULTERS

MONEY SPENT ON IMPRISONMENT SHOULD BE DIVERTED INTO JUSTICE REINVESTMENT

THE DEATHS IN CUSTODY WATCH COMMITTEE (DICWC) welcomes the recent report into fine default by the Office of the Inspector of Custodial Services (OICS) which points out that millions of dollars spent on incarcerating fine defaulters would be better directed into facilitating work and development orders in community corrections.

OICS notes the urgency of the review into fine defaulters given the death in custody of Ms Dhu in August 2014 at South Hedland Lockup, where she was being held to ‘pay down’ fines. The report notes ‘troubling gender and race differences’, with Aboriginal women comprising almost a quarter of all fine default receptions.

Dr Hannah McGlade, Deputy Chair of the Deaths in Custody Watch Committee, said that women incarcerated for fine default could not care for their children during this time.

‘We need to put the children first. Incarcerating women for unpaid fines neglects to consider the most vulnerable members of our community,’ Dr McGlade said.

‘Aboriginal women are also more likely to have poor health and incarcerating women can pose risks to their health, as was evident from the case of Ms Dhu, who died in custody from domestic violence-related injuries.’

The reasons why people are unable to pay fines are not known, and DICWC agrees with OICS that this needs to be examined.

It is also necessary to invest in appropriate preventative measures. Given that most people jailed for fine default have traffic-related offences, such as drink driving and driving without a licence, alternative responses that address the causes should be adopted. A justice reinvestment approach would be more beneficial for individuals and for society.

DICWC looks forward to hearing from government on how it will work with the not-for-profit sector, as OICS suggests, ‘to examine innovative ways to reduce the flow of people into prison for fine default’.

Chair of the Deaths in Custody Watch Committee Bruce Campbell said, ‘While Minister for Corrective Services Joe Francis believes there is no need for reform due to the low number of fine defaulters in custody on any given day, he is silent on the social impact of already marginalised people being incarcerated, such as the possibility of low-income yet employed fine defaulters losing their employment or having to take unpaid leave due to the time spent in custody.’

OICS makes no recommendation to end imprisonment for fine default in its review and instead reiterates the government's stance that imprisonment must remain as a 'deterrent for people who wilfully refuse to pay or to engage in other measures'. DICWC does not agree and questions how Australia will ever close the gap on Indigenous incarceration while people continue to be locked up for this reason.

DICWC has and will continue to campaign for an end to imprisonment for fine default in Western Australia, in line with the recommendations of the Royal Commission into Aboriginal Deaths in Custody and consistent with practices in other states.

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Glossary

Decarceration: An active process that sees incarceration as a socially harmful and ineffective means of addressing social problems. It stresses the need to build communities, not prisons: by strengthening social and cultural institutions that foster individual and community wellbeing, the number of people being jailed will diminish.

Justice reinvestment: The practice of diverting funding away from prisons and into community programs with the aim of reducing the number of people being put in prison.

Royal Commission into Aboriginal Deaths in Custody: Following public outcry over the death of 16-year-old John Pat in a police lock-up in Roebourne in 1983, a Royal Commission to investigate Aboriginal deaths in custody between 1980 and 1989 was established. Its report in 1991 made 339 recommendations.

Statistics and figures

Indigenous people as a percentage of the population: Nationally: **2.5%** In WA: **3.8%**

Indigenous people as a percentage of people in custody: Nationally: **26.1%** In WA: **38.5%**

Indigenous women as a percentage of all women in custody: Nationally: **29.3%** In WA: **51.5%**