



Why We Oppose Home Detention

Justice Action opposes the use of Home Detention (HD). It damages the family and the home for others without any consideration of the effects, or acknowledgement of the costs. It discriminates by disproportionately effecting women. Families become prison guards to their loved ones, and the home becomes an extension of the State.

While many people, including prisoners themselves, support HD, when you look at the bigger picture, the widespread use of HD is an admission of the failure of imprisonment and it damages fundamental social structures. The only approach that could create the illusion that home detention provides benefits is via comparison with the regular prison system. It is the same logic that suggests that a punch in the face is beneficial in comparison to being beaten senseless with cricket bats.

In the past 10 years, across Australia, prisoner numbers have doubled, costs of imprisonment have skyrocketed, and rates of imprisonment have increased in all states and territories. In NSW, 45% of prisoners return within 2 years. This means that the Department of Corrective Services (DCS) has failed in its responsibility to reduce offending in the community. Now the government is trying to give its problems to the community, but without the support necessary for real, community-based solutions.

THE PROBLEMS:

1) **Transfer of the costs of incarceration from the state onto families.**

- a) Financial costs - HD is claimed to be a cost-saving alternative to prison, however, the costs are only transferred from the state to the family. It costs the government over \$60,000 per year to provide for one prisoner. If offenders are to be diverted from prison, the funds allocated to support them must also be diverted to the community. The family must provide:
 - Accommodation - The family shares their home with someone under the control of the state, and subject to surveillance. That lessens the use value of their home and compromises their privacy. Other family members are forced to accept the reluctant inhabitant with them for very sustained periods, without respite.
 - Security, health, caring and counselling - To maintain their own stability the family needs to look after a person who would otherwise be in prison, supplying the needs that the state would supply.

- b) Emotional & physical costs - The NSW DCS interviewed families about the effect of home detention¹. They reported:
 - their sleep and their children's sleep was disturbed by monitoring phone calls,

¹ Heggie, K, *Review of the NSW Home Detention Scheme*. NSW Department of Corrective Services Research Publication No. 41. May 1999

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- their privacy invaded by searches,
- additional stress and tensions within the family relationships,
- increased burden on outside family and friends,
- increased risk of domestic violence.

c) Effect on women - There is a strong gender bias in who is affected by home detention, whether it is women or men who are on it. This is because regardless of the gender of the offender, the people who consent to having the offender living with them and having their homes turned into prisons invariably are women. Anyone who visits prisons, men's or women's will tell you that it is women who fill prison visit centres and likewise it is women who become HD 'sponsors'².

2) Families become both prisoners and prison officers.

- a) Families of home detainees are responsible not only for keeping the person on HD in the house, but also keeping them off drugs and alcohol, and on whatever medications are part of the orders.
- b) Families are given a choice which amounts to extortion: control the offender, or they are sent back to prison. This puts enormous pressure on the family, including young children, to tolerate offending behaviour, including domestic violence, rather than report the loved one to the authorities.
- c) The same group of people who were unable to control the offender's behaviour in the past are forced to confront the problems again, in the pressure-cooker atmosphere of HD, constantly, without support.
- d) If the person leaves the home, it is classed as an escape from prison.
- e) Families must either explain to friends and associates about HD, or they must lie to protect the family.

3) **Net widening** - Prisons fill up regardless of crime rates or diversionary sentencing. This means that if one person is diverted from prison into home detention, another will be sentenced to prison who might have received a diversion.

- a) The building of new prisons almost universally results in an increase in prison numbers. Old accommodation units are invariably reopened to cope with the increase in numbers. In NSW this has been proven by the reopening of old "stock" - for eg Parramatta prison (continually being re-opened), Long Bay wings, Conlon Unit at Mulawa (numerous times); Maitland; Cooma; and the Norma Parker Gaol for Women (numerous). The net widening effect of building more prisons was acknowledged in 1994 by the Department's own Women's Action Plan:

² From "*Electronic Home Detention - A woman's work is never done.*" by Amanda George
<http://www.sistersinside.com.au/media/amandageorge.pdf>

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“...the provision of increased access to correctional facilities in country areas may create a net widening phenomenon resulting in the courts sending more women to prison who may otherwise have received non-custodial sentences.

There is a strong body of opinion that in spite of oft stated support for a reductionist approach to women in prison, if additional places were provided, particularly in country areas, they would inevitably be filled.”³

- b) A Victorian government discussion paper in 1987 said *'if we regard homes as potential prisons, capacity for all practical purposes is unlimited'*. No wonder they all support HD. This philosophy removes any imperative to look at why our prisons are overflowing because prison capacity problems are rendered obsolete.⁴

SOME SOLUTIONS:

- 1) **Mentoring:** Giving support to offenders through a person trusted by both the offender and the community. Mentoring is a long-term project to provide support to people adversely effected by the criminal justice system and prevent offending and re-offending. JA has been providing mentoring support for 20 years, to thousands of people. JA graduated 22 TAFE accredited mentors on December 5, 2003.

A notable example of mentoring of ex-offenders has been that of Greg Kable. The NSW State Government was so concerned about the release of Mr. Kable that it created the Community Protection Act, later overturned by the High Court. Justice Action gained the agreement of the Minister for Police and the NSW Police Service to contact Mr. Kable's mentor before taking any action against Mr. Kable, if they had any concerns. Mr. Kable has now been working with Justice Action for five years. Using his personal experience with the corrections system, he mentors current prisoners, families and community.

We also assisted Chris Binse, once described as Australia's most dangerous prisoner, with his release (February 05) after 13 years in maximum security. A digital copy of the JA Mentor's Handbook can be downloaded here:
http://www.justiceaction.org.au/actNow/Briefs_PDF/Mentors_Handbook.pdf

- 2) **Community Service Orders:** CSO's are community-based sentences for offenders to do unpaid work for non-profit agencies. The offenders are supervised by Probation & Parole or an approved supervisor from the agency. CSO's offer the same benefits promoted for home detention, but without the negative impacts discussed above, including *"...more flexible sentencing construction, containment of overall correctional spending and potential social and community benefits."*⁵ CSO's also allow the offender to actively make amends to the community, and learn work skills and discipline. Justice Action works with a CSO agency, Breakout.

³ *Women's Action Plan*, NSW Department of Corrective Services, 1994 pg 48

⁴ *op cit*

⁵ Heggie, K, *Review of the NSW Home Detention Scheme*. NSW Department of Corrective Services Research Publication No. 41. May 1999 p. ii

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