

# **Benchmarking Study of Home Detention Programs in Australia and New Zealand**

**Report to the National Corrections Advisory Group  
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ACRONYMS USED IN THIS REPORT

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GENERAL

|                    |  |
|--------------------|--|
| Board/Parole Board | The authority in each jurisdiction which is responsible for the placement and management of ex-prisoners who are being supervised in the community post-release. |
| CCO                | Community Corrections Officer  |
| EM                 | Electronic monitoring  |
| HD                 | Home Detention   |
| LSI-R              | Level of Service Inventory - Revised   |
| NCAG               | National Corrections Advisory Group  |
| na                 | Not available  |
| PD                 | Periodic Detention   |
| RoGS               | Report on Government Services  |

JURISDICTIONAL SPECIFIC

|         |  |
|---------|--|
| CPS     | Community Probation Service (NZ)                         |
| EMSSA   | Electronic Monitoring System SA (SA)                     |
| IDP     | Individual Development Plan (SA)                         |
| IJIS    | Integrated Justice Information System (NT)               |
| NZPB    | New Zealand Parole Board (NZ)                            |
| PAC     | Prisoner Assessment Committee (SA)                       |
| PAU     | Prisoner Assessment Unit (SA)                            |
| PPS     | Public Prison Service (NZ)                               |
| PPU     | Probation and Parole Unit (NSW)                          |
| RoC:RoI | Risk of re-Conviction/Risk of re-Imprisonment model (NZ) |

## EXECUTIVE SUMMARY

The purpose of this report is to inform jurisdictions about the range and nature of home detention (HD) programs operated by Australian and New Zealand corrective services through a comparison of the key features of these programs (process benchmarking) and, based on available comparable information about program outcomes, to analyse the factors underlying variations in performance across jurisdictions (performance benchmarking). The scope of the comparison is limited to front-end and back-end programs, excluding home detention for unsentenced offenders.

### *Methodology*

The information for these comparisons is based on a range of sources including: relevant legislation, policy and procedural manuals, and other key document analysis; a review of the international research and practice literature for good practice features underlying successful performance; statistical analysis of data provided by jurisdictions; and consultations with officers responsible for home detention programs in each jurisdiction. The process benchmarking is based on a comparison of program features as outlined in legislation and in current policy and procedures documentation, not details of actual practice.

For the process benchmarking exercise, jurisdictional programs were compared on a number of features including program objectives and stated purpose; scope of application and eligibility criteria; methods used to assess suitability for the order and assessment report content requirements; order conditions and level of discretion to apply and vary conditions; order length restrictions; practices for providing order/program information to the detainee, co-residents and general public; case planning and case management practices including the point in time at which case planning commences and core matters covered in the case plan; case review features, frequency and responsibility; surveillance/monitoring methods and responsibility, including type of monitoring regime and minimum contact standards; application of electronic monitoring (EM) and features of such schemes; circumstances under which orders may be revoked; actions upon breach of an order including available penalties, authority to impose these, and level of discretion; and selected features of program administration.

These features on which programs were compared were selected on the basis of either representing core areas generally addressed in legislation and policy/procedures documentation, or identified in the international research and literature review as good practice features and/or critical success factors in program evaluations for home detention, or identified by program managers as features they considered as contributing to successful outcomes for their programs.

Program performance was assessed in terms of the only currently available comparable outcome measure, which is program completion rates (calculated as the proportion of orders finalised each year that were not revoked), as reported by jurisdictions for the annual *Report on Government Services (RoGS)*.

### *Key findings*

The analysis of annual order completion rates for home detention over time shows no consistent and substantial level of superior performance for any single jurisdiction, particularly when taking into account factors that would contribute to performance variation, such as differences in the size and nature of detainee populations. The total completion rate for each jurisdiction (except Victoria and

the ACT which were excluded from this analysis given the small number of completed orders in these jurisdictions) over the ten-year period from 1996-97 to 2004-05 ranged from 77 to 89%, with four jurisdictions differing by less than 4 percentage points (85-89%). Completion rates ranged from 79 to 92% in 2004-05, with the three best performing jurisdictions differing by less than one percent.

Although there is not a substantial variation in program completion rates across jurisdictions, NZ and the NT show slightly higher rates for total orders (over a 10 year period for the NT and the six-years that the program has been operating in NZ) as well as highest or equal highest rates for the most current year (2004-05). An analysis of features shared by these two jurisdictions, but which are unique to the two when compared with other jurisdictions with lower completion rates, was undertaken to identify possible contributing factors to performance variation in program outcome.

No unique program features (as documented in policy and procedural manuals or legislation) were identified that clearly explain these differences in performance variation on the measure of order completion. In general, all jurisdictions demonstrate the program features and practices identified as good practice in the international literature. NT and NZ, while sharing a similar performance standard, vary in a number of aspects, eg, whether front-end or back-end programs, decision-making authority for front-end orders, the standard conditions universally applied to all detainees, application of electronic monitoring, and responsibility for surveillance. Also, both share a large number of common program features with those other jurisdictions showing lower rates of program completion.

Analysis of selected detainee population characteristics identified in the research and practice literature as contributors to program outcome and/or recidivism, although limited in scope given the information available to the study, did not provide any strong evidence for differences in population characteristics such as gender, Indigenous status, or most serious offence being strong predictors of program outcome. There is also no obvious correlation between caseload or unit cost and program completion rates based on the information available to the study. The two jurisdictions sharing the highest completion rates (NT and NZ) have markedly different detainee to operational staff ratios (attributable at least in part to the use of a contracted company to monitor detainees in one jurisdiction and the scope of non-metropolitan geographic coverage required in the other). Unit cost between the two jurisdictions with the highest and the lowest completion rate was almost identical in 2004-05.

Overall, on the basis of the information available to the study, there are no obvious factors contributing to performance variation on the outcome measure used. Arguably, home detention programs are distinguished less by significant differences in key areas of operation (such as broad assessment, case management, and breach processes) than by different 'strategic' approaches established in legislation that govern the scope and application of such programs.

This benchmarking analysis needs to be considered as preliminary rather than definitive work, providing a basic comparison about broad program features, assessed against a single outcome measure. This is in line with the objectives and scope of this study, which was designed to provide a common understanding of the different programs operating in Australia and New Zealand, and to consider performance variation based on existing indicators. Additional measures are discussed in the final section of the report.

# INTRODUCTION

## Background

The project was initiated by the National Corrections Advisory Group (NCAG)<sup>1</sup> in response to Corrective Services Administrators' interest in more in-depth benchmarking analyses than is possible through the annual statistical collection process for the *Report on Government Services* (RoGS). An independent consultant was contracted in 2005 to undertake a comparative study of home detention programs currently operating in Australia and New Zealand.

The brief for the project specified that the study would be based on information provided by corrective services agencies from existing sources, would not involve the development or collation of any new statistical collections, and that access to individual offenders or their files would be outside the scope of the project.

NCAG representatives agreed that information would not be collected on individual offender characteristics, given the resource implications for providing unit record data for some jurisdictions, relative to the value added that would be provided by producing a statistical profile of detainee characteristics given the outcomes of the literature review and analyses conducted during earlier stages of the project. In response to a progress report presented at the November meeting, NCAG also agreed to "focus the scope of the study on process benchmarking comparisons, to limit analysis of outcome measures to variation in the existing indicator of 'completion rate' reported in the RoGS without collecting further statistical breakdowns on potential underlying factors such as socio-demographic and correctional history data, and that unit record data would not be collected".

## Objective

The objectives of this project were agreed by NCAG under the original Terms of Reference as (i) to achieve an understanding of the range of home detention programs currently operating in Australia and New Zealand and (ii) to identify available measures of successful outcomes of the HD programs and analyse the factors underlying variations in performance across jurisdictions. In benchmarking terms<sup>2</sup>, these two objectives reflect process benchmarking and performance benchmarking respectively.

## Scope

For the purpose of this report, home detention programs are defined as the operation of programs, including pilot or trial schemes, under which adult offenders on home detention orders are managed by corrective services<sup>3</sup>. A home detention order refers to "any order requiring an offender to remain within the

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<sup>1</sup> The National Corrections Advisory Group, comprised of representatives from each Australian jurisdiction, coordinates the national performance measures and statistical data for corrective services. New Zealand also participates in NCAG.

<sup>2</sup> As defined in the UK Government's *Public Sector Benchmarking Service* site at [http://www.benchmarking.gov.uk/about\\_bench/whatisit.asp](http://www.benchmarking.gov.uk/about_bench/whatisit.asp)

<sup>3</sup> NT statistics may include juvenile offenders, but this represents a very small number (only one or two detainees have been given HD orders)

precincts of a specified residence during specified hours; and permitting absences from those precincts only during specified periods for specified purposes”<sup>4</sup>.

The analyses compare HD programs operating in NSW, Victoria, Queensland, SA, ACT, NT and New Zealand. Home Detention Orders in WA have been abolished under legislative amendments (although curfews and electronic monitoring may be applied as a condition of some correctional orders) and WA has therefore elected not to participate in this study. Tasmania does not operate an HD program. The ACT program was discontinued in 2005, but the ACT elected to continue to participate in the project.

There have been significant changes to home detention programs in two jurisdictions between the completion of this report and its publication. First, the implementation of the Queensland *Corrective Services Act 2006* in August 2006 resulted in the introduction of parole as the only mechanism for release, ending the formal HD program which had operated in Queensland from 1987. Secondly, in Victoria, the *Corrections and Sentencing Acts (Home Detention) Act 2003* was amended on 1 October 2006 to allow the home detention program which had previously been operated as a pilot program, to continue indefinitely from 1 January 2007.

The focus is on home detention orders operating as either a front-end sentencing option or a post-prison administrative release program. The report does not draw comparison about home detention used with unsentenced offenders, as this operates in only two jurisdictions (SA and ACT), with one of the two having only a small number of such orders during the period of the scheme’s operation. Therefore statistical comparisons between the two jurisdictions would not be reliable or valid. The exception is in the section on program operations as it is not possible to reliably disaggregate budget and staff numbers so as to exclude this group from the analysis.

## Methodology

The report draws on a range of information sources including:

- an analysis of relevant legislation, policy and procedural manuals, and other key document analysis;
- a review of the international research and practice literature;
- statistical analysis of jurisdictional data; and
- consultations with officers responsible for home detention programs or other identified contact person in each jurisdiction.

The legislation, policies, procedures manuals, program evaluations or reviews, international literature, and other documents reviewed are listed in the appendices.

## Report structure

The following sections begin with a description of the HD program features, based on review of the relevant legislation (Acts and Regulations) and policy and procedures documentation for each jurisdiction participating in the study. The specific features include those identified as critical success factors or commonly

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<sup>4</sup>Source: *Standard Guidelines for Corrections in Australia* (2004)

acknowledged good practice characteristics in a review of the international research and practice literature and features considered by Australian home detention managers as contributing to successful outcomes. This section addresses the first project objective of providing an understanding of the range of home detention programs currently operating in Australia and New Zealand.

The next section provides information about program operations with implications for the outcome performance analysis, including a review of numbers and trends, and caseload and cost where jurisdictionally comparable information is available to the study.

The final analysis section compares jurisdictions on a common program outcome measure, based on the indicator of 'order completion' used in national comparisons in the *Report on Government Services*. It also discusses other possible outcome measures for future data collection, informed by the international literature review and discussions with home detention program managers in each jurisdiction. This section therefore addresses the second project objective of identifying available measures of successful outcomes of the HD programs and analysing the factors underlying variations in performance across jurisdictions.

## PROGRAM FEATURES

Home detention programs administered by corrective services may take three main forms:

- a 'front-end' program, ie, a sentencing option, generally in the form of a sanction imposed either directly by the court, or in some cases as an administrative decision upon a custodial sentence being passed (eg, in New Zealand, the court may grant a sentenced prisoner leave to apply to the Parole Board to serve the term of imprisonment by way of home detention, and may defer commencement of sentence pending assessment of suitability for a home detention order),
- a back-end program, ie, a post-prison program of supervised release into the community after serving the major portion of the sentence in full-time detention), or
- an alternative to remand or a condition of supervised bail for unsentenced offenders.

### Program overview

No evidence was found in the research and practice literature review for greater effectiveness of front-end or back-end programs. Type of program (whether court of corrective services imposed) was explicitly mentioned as unrelated to program completion or recidivism in one UK evaluation.

#### *Comparison:*

The table below shows that jurisdictions vary in whether front-end, back-end or both options were available during the period covered by this study. NSW, NT and up to September 2005 the ACT, operate only front-end HD programs. Queensland operates only a back-end (post-prison) option. Victoria, SA and NZ operate both a back-end and front-end scheme. HD is available for unsentenced offenders in SA and, up to September 2005, in the ACT.

One jurisdiction (Victoria) has only been operating an HD program for a short period of time. Two jurisdictions (NSW and Victoria) operate in limited areas of their states only.

Authority for determining the making of a HD order and its conditions varies both for front-end home detention (generally the decision of the sentencing court, although in NZ the court's decision-making role is limited to granting permission to apply for an order to the Parole Board) and for back-end programs. In the latter case, this is generally the responsibility of Parole Boards or their equivalent, except in SA where the Act empowers the Corrective Services Chief Executive Officer to make orders, set conditions, and revoke orders.

## HD commencement date and program type, status, and coverage

|                  | front-end  | back-end   | unsentenced offenders   |
|------------------|--|--|---|
| NSW              | commenced in Feb 1997; (previous Intensive Community Supervision pilot 1992-1996); operating in Sydney, Newcastle and Illawarra regions only | not applicable <sup>1</sup>  | not applicable  |
| Vic <sup>2</sup> | commenced in Jan 2004; operating in Melbourne metropolitan area only; 3-year pilot program   | commenced in Jan 2004; operating in metropolitan area only; 3-year pilot program               | not applicable  |
| Qld              | not applicable   | commenced in 1987 <sup>3</sup> ; (EM trial Oct 2000-Dec 2002); operating state-wide            | not applicable  |
| SA               | commenced in 2000; (state-wide expansion 2000-01); operating state-wide  | commenced in Dec 1986 (metro & 1 region); (state-wide expansion 2000-01); operating state-wide | commenced in Jan 1987; operating state-wide   |
| ACT              | commenced in Sept 2001; operated territory-wide; operation in Sept. 2005   | not applicable   | commenced in Sept 2003; operated territory-wide pilot program ceasing operation in Sept. 2005 |
| NT               | commenced in Feb 1988; operating territory-wide  | not applicable   | not applicable  |
| NZ               | commenced in Oct 1999; (2-year Intensive Supervision Order pilot scheme 1995-97); operating country-wide                                     | commenced in Oct 1999; (2-year pilot scheme 1995-97); operating country-wide                   | not applicable  |

<sup>1</sup> No formal back-end HD program operates in NSW; however, in addition to home detention orders being made directly by the court, offenders with Periodic Detention Orders that have been revoked by the Parole Board with less than 18 months to serve may, at the direction of the Board, serve the sentence term on home detention.

<sup>2</sup> Vic: the Corrections and Sentencing Acts (Home Detention) Act 2003 was amended on 1 October 2006 to allow the home detention program which had previously been operated as a pilot program, to continue indefinitely from 1 January 2007.

<sup>3</sup> Qld: the HD program in Queensland ceased operation in August 2006.

Decision-making authority

|     | front-end   | back-end   |
|-----|---|--|
| NSW | court <sup>1</sup>  | not applicable   |
| Vic | court   | Parole Board   |
| Qld | not applicable  | Community Corrections Board  |
| SA  | court   | Chief Executive Officer (delegated to Manager Assessment) under advice from the Prisoner Assessment Committee <sup>2</sup> |
| ACT | court   | not applicable   |
| NT  | court   | not applicable   |
| NZ  | Parole Board following court granting prisoner leave to apply | Parole Board   |

<sup>1</sup> NSW: or Parole Board in cases of HD following Periodic Detention order revocation.

<sup>2</sup> SA: the Manager, Assessment may determine applications without input from the Prisoner Assessment Committee although in practice this is limited to prisoners with 3 months or less left to serve.

## Program objectives

Establishing clear program objectives and stated purpose is identified as a good practice feature in some home detention research and practice reports.

### *Comparison:*

Few jurisdictions document explicit program objectives in relevant home detention policy and procedures manuals. Neither is specific purpose cited in legislation in any jurisdiction, although overall purpose is implicit in some cases, eg, in the title of legislation governing home detention in the ACT.

### HD program objectives and stated purpose

|                  | explicit program aims/objectives  | source                                       |
|------------------|---|--|
| NSW              | not explicitly stated in legislation or policy (the explanatory notes to Home Detention Bill 1966 state: "Home detention is intended to divert offenders from incarceration in prison")   |  |
| Vic <sup>1</sup> | "to divert carefully selected non-violent low risk offenders from prison and to assist with the reintegration and rehabilitation of eligible non-violent minimum security prisoners back into the community"  | Commissioner's Requirement 17/2005           |
| Qld              | "the home detention program is intended to assist prisoners to reintegrate successfully into the community by providing additional support and vigilant surveillance during the initial resettlement period"  | Appendix, Offender Management Procedures     |
| SA               | <p>"fulfils the needs of the Government, Parole Board, Courts, offenders and their families, the community of South Australia and victims of crime by:</p> <ul style="list-style-type: none"> <li>• providing a cost effective community based program as an alternative to imprisonment for sentenced and unsentenced offenders;</li> <li>• assisting offenders to achieve behavioural changes by providing reintegration of offenders into the community;</li> <li>• extending the Department's capability to implement the philosophy of Throughcare by providing a further option to an offender's case plan;</li> <li>• providing offenders with the opportunity to improve family cohesion and function;</li> <li>• acting as an incentive for offenders in prison;</li> <li>• ensuring that special needs offenders are catered for and not discriminated against;</li> <li>• contributing to the safety of the community by ensuring that court orders are administered; and</li> <li>• limiting the adverse impacts of imprisonment."</li> </ul> | Mission statement, Home Detention Guidelines |

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|     |  |
|-----|--|
| ACT | not explicitly stated in legislation or policy (although the title of the Act introducing HD (Rehabilitation of Offenders) implies an offender rehabilitation purpose) |
| NT  | not explicitly stated in legislation or policy   |
| NZ  | not explicitly stated in legislation or policy   |

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<sup>1</sup> Vic: the following principles are also documented for HD program planning, ongoing service development and service delivery; address the risk of re-offending and promote prospects for integration of offenders; at no time will the Program put any person, offender or otherwise, at deliberate risk through Program provision; Home Detention endeavours to address any specific concerns the Court or Adult Parole Board may have concerning individual offenders; services will incorporate a flexible and intensive approach according to the individual needs of the offender; the Program informs individuals of information that is relevant to them; offenders need to voluntarily commit to and accept the Program conditions in Order to ensure self-responsibility, relevance and effectiveness, all service standards will be set in conjunction with Corrections Victoria Standards and be subject to monitoring and evaluation appropriately. General program objectives guiding the operation of HD, although not explicitly cited as program objectives in HD specific program documentation, relate to diversion from prison, easing the transition to parole, and providing family support throughout the process (source: HD Unit Manager discussion).

## Scope of application

Legislation determines the application of HD in all jurisdictions, setting out the categories of prisoners or offenders that fall within the scope of HD outlined in the tables below. No evidence was found in the research and practice literature review for more successful outcomes explicitly associated with these criteria and no consistent good practice criteria found documented in relation to the broad scope of these application features.

### *Comparison:*

Jurisdictions vary in the scope of application. For those operating front-end programs (NSW, Vic, SA, ACT, NT and NZ), legislation specifies that HD may be ordered for offenders sentenced to a term of imprisonment in all cases but the maximum term for eligibility varies from 12 months to 5 years. SA has no sentence length restriction of this kind, but has a very narrow scope of application for court-ordered HD (ie, prisoners whose health, disability or frailty makes it unduly harsh for a prison term to be served), which has implications for numbers on the program (a daily average of only 1 to 8 detainees of this type over each of the past six years) and therefore the validity of any direct outcome comparison.

For those jurisdictions operating back-end HD (Vic, Qld, SA and NZ) the scope of application varies in terms of the amount of the prison term to be served before prisoners become eligible for consideration, ranging from half to 80%.

### Offender and prisoner groups to which HD applies as established in legislation

|                 | Front end  | Back end   |
|-----------------|--|--|
| NSW             | offenders sentenced to a full-time imprisonment term of 18 months or less  | not applicable   |
| Vic             | offenders sentenced to 12 months imprisonment or less  | minimum security rating prisoners serving 2/3 of sentence and eligible for parole or release within 6 months   |
| Qld             | not applicable   | prisoners <sup>1</sup> serving sentences of over 2 years imprisonment are eligible to apply for post prison community based release (which may result in a home detention order) after 20 years if serving life for murder or after 15 years if serving life for another offences, after serving 80% of sentence or 15 years (whichever is the lesser) if convicted for a serious violent offence, or otherwise after half the sentence or as determined by the sentencer for other offences |
| SA <sup>2</sup> | offenders receiving a suspended prison sentence on the grounds that because of ill health, disability or frailty it would be unduly harsh for the offender to serve any time in prison | as of 2005: prisoners serving at least half of the non-parole period or half of the total term of imprisonment; with one year or less prior to the end of the non-parole period/date of release for a fixed term sentence; and satisfying any other criteria determined by the Minister; previously, no restriction on length of sentence to be served before order  |

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|     |   |   |
|-----|---|---|
| ACT | offenders sentenced to an imprisonment term of 18 months or less  | not applicable  |
| NT  | offenders sentenced to an imprisonment term of 5 years or less that the court has suspended in whole or in part | not applicable  |
| NZ  | offenders sentenced to two years or less where the court has given leave to apply for HD                        | offenders sentenced to 2 years or more, 5 months prior to parole eligibility date |

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<sup>1</sup> Qld: minimum 2-year sentence eligibility requirement introduced by legislative amendment in 2000, previously applied to any length sentence.

<sup>2</sup> SA: as of amended legislation in 2005, previously no eligibility requirements for length of HD orders.

## Eligibility

Legislation also sets out eligibility requirements and exclusions within the group of offenders/prisoners to which HD is applicable through explicit criteria determined in provisions in the primary legislation (the Act) or listed in subordinate legislation (Regulations). These legislated eligibility requirements and exclusion criteria are summarised in the tables below, separately for front-end and back-end HD programs. Footnotes to the tables outline additional features set out in jurisdictional policy and procedures documentation.

No evidence was found in the research and practice literature review for greater effectiveness in relation to the sorts of legislatively-mandated general suitability criteria listed below. In fact, a US national guidelines report states that there are no conclusive research studies recommending consistent criteria for offender selection and some review reports have argued for providing flexibility in eligibility requirements, so that availability and take-up rate are not constrained.

Consistency of selection criteria and consensus on the type of offender for which home detention is appropriate have been identified as key factors in UK and Swedish evaluation studies. UK evaluation research concludes that level of assessed offender risk-need factors is the most critical determinant of successful program completion and recidivism, supporting the importance of a strong and effective assessment focus. Consent and capacity to withdraw consent are cited in one UK evaluation study and in good practice documentation (eg, US national guidelines).

Relevant standard guidelines in the *Standard Guidelines for Corrections in Australia (2004)* include: gaining offender and co-resident consent (s.2.1, Containment, Community Corrections).

### *Comparison:*

Legislation governing front-end HD in all jurisdictions (except SA where HD is a court-ordered option in only very restricted circumstances) provides for general suitability requirements such as the person being a suitable person and/or HD being an appropriate sentence given the circumstances. In addition, NZ legislation explicitly recognises relevant matters in the victim impact statement and Victorian legislation, acknowledging the limited availability of the trial program, includes a location requirement (see below).

Legislation also generally specifies a requirement for the court to have regard to corrective services assessment reports. Offender and co-resident consent is also a legislative eligibility requirement in most jurisdictions (see details below).

The greatest jurisdictional variability relates to whether certain offences automatically make offenders ineligible for front-end HD. In NSW, Victoria, and the ACT, a specified violent, sexual or drug offence within the current conviction preclude HD consideration while in SA, NT and NZ there are no legislatively prescribed offence types that make an individual automatically ineligible. Prior offence history is also taken into account under NSW, Victorian and ACT legislation where previous convictions for certain violent and sexual offences also make an individual ineligible (but not necessarily the same set of offences for current and prior conviction exclusions). Under the ACT Act, an offender cannot reapply for an HD order if there has been a revocation for a breach of conditions of the order.

Jurisdictions also vary in eligibility requirements for back-end programs (see third table below). Queensland does not have legislatively prescribed suitability requirements for HD specifically. In SA, legislation empowers the Minister to determine certain ineligibility criteria. NZ has a general provision requiring the Parole Board to be satisfied that the offender will not pose an undue risk to community safety. Legislated offence exclusions for the back-end program are the same as those applied under the front-end program for Victoria.

#### Eligibility requirements for front-end HD as established in legislation

|     | general suitability   | assessment requirement   | consent requirement  |
|-----|---|--|--|
| NSW | must be satisfied the offender is a suitable person and that HD is an appropriate sentence in all circumstances   | court must have regard to the assessment report and Probation Officer evidence; may decline to make an order regardless of report content; may make only if report assesses as suitable; must not make if court considers it likely for the offender to commit a sexual or violent offence regardless of prior history   | offender consent required; household residents consent required <sup>1</sup>   |
| Vic | if satisfied that the offender is a suitable person and that an HD sentence is appropriate in all circumstances; department has given written advice of a place being available in an HD program and it is located close enough to where the offender will reside to ensure adequate support and supervision <sup>2</sup> | an assessment report must be prepared; the court must have regard to assessment report, may decline to make an order despite report content but may make only if the report considers it is suitable, must not make an order unless satisfied that all household members over 18 have been consulted without the offender being present and that their wishes and feelings have been ascertained and duly considered | offender consent required; all household members over 18 have acknowledged in writing that they understand the order requirements and agree to comply with them, and consent in writing <sup>3</sup>   |
| SA  | not prescribed under legislation  | not prescribed under legislation   | not prescribed under legislation   |
| ACT | must be satisfied the offender is a suitable person and that HD is an appropriate sentence in the circumstances <sup>4</sup>  | court must consider the assessment report and Corrections Officer evidence; may make order only if report assesses as suitable; must not make if considers the offender may commit sexual offence even if no prior history; need not make an order even if assessed suitable   | offender signed undertaking required; household residents written consent required; parent/guardian of any child residing must also sign the consent for a young person to reside with a home detainee |
| NT  | if satisfied it is desirable to do so in  | court may make order only if it receives a report from the   | offender consent required; household   |

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|    |   |   |   |
|----|---|---|---|
|    | the circumstances <sup>5</sup>  | Director stating that: suitable arrangements are available for the offender to reside at the premises or place specified in the report, the premises or place specified is suitable for the purposes of a home detention order, and the making of the home detention order is not likely to inconvenience or put at risk other persons living in those premises or at that place or the community generally | resident consent not explicitly required although views of affected community members may be taken into account in preparing the assessment report  |
| NZ | if satisfied that it would be appropriate taking into account the nature and seriousness of the offence, the circumstances and background of the offender and any relevant matters in the victim impact statement in the case | Parole Board must request a report  | must be satisfied that the offender has been made aware of and understands the conditions that will apply during home detention and agrees to comply; household occupants understand the conditions and give consent <sup>6</sup> |

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<sup>1</sup> NSW: in more serious cases of abuse risk to a child under 18 where the Department of Community Services is involved in the assessment, consent of the Director-General of that department is required.

<sup>2</sup> Vic: given the trial program is only operational in the Melbourne metropolitan area, policy states offenders are ineligible if intended residence is outside of 40 kilometre radius of the central business district (25 kilometres prior to January 2006); assessment of suitability will take into consideration the number of other detainees on the program and the available staffing resources; draft Director's Instructions specify that, during the assessment process, the assessing officer must identify and exclude any offender or prisoner who presents a risk of harm to themselves, co-residents, their family or any member of the community.

<sup>3</sup> Vic: consent can be withdrawn at any time in which instance the offender would be required to leave the residence immediately (if suitable alternative accommodation is not obtained, the offender will be transferred to prison); co-resident consent is regularly re-assessed during the term of the order.

<sup>4</sup> ACT policy documentation cites the following as positive factors that may increase the likelihood of suitability: a history of good behaviour during committal, imprisonment or remand; a clean record of mandatory (and voluntary) drug tests during supervision, committal, imprisonment or remand (bearing in mind that a young person cannot be readily drug tested prior to receiving a HD order); a history of work or training or other constructive use of time during committal, imprisonment or remand; confirmation of offer of employment on release will tend to count in the applicant's favour, though assessors should be wary of vague promises from relatives; a clear plan of how the applicant intends to find appropriate work, education or vocational training; a clear sense of how the applicant intends to fill his or her spare time; an awareness of the likely pressures of being on a HD order (eg, peer pressure, boredom, tensions with family, etc.) and some idea of how they are likely to cope; and support from family or partners. Negative factors that can decrease the likelihood of suitability are cited as: a chaotic lifestyle (mentioned particularly in relation to juvenile applicants, though they are not ruled out), taking into consideration that the Case Plan should be assisting and supporting the Home

Detainee/family to develop social skills and positive personal direction; applicants who seem to be in an active phase of their criminal careers; a chronic pattern of drug-related crime; the applicant states that they will continue to take drugs, or will resume taking drugs after release; a recent history of failed mandatory drugs test (bearing in mind that a young person cannot be readily drug tested prior to receiving a HD order); a history of domestic violence at the proposed residence; and a history of breach of previous community sentence or failure to surrender to bail, especially if this is related to the current sentence.

<sup>5</sup> NT policy documents state that a client may be considered unsuitable for home detention in the following circumstances: Community or family members would be placed at risk, the environment hampers access to the client, eg, dangerous dogs and alternative arrangements cannot be made, client's dependence on alcohol or drugs is such that he requires medical detoxification, client has a history of non-compliance with community-based orders and their attitude towards such orders remains unchanged, client has no place of abode, client has psychiatric or psychological problems that affect their understanding of an order, those who reside with the client do not consent to the making of an HD order, client's employer does not consent to the required checking of the client, client does not agree to wear electronic device(s), client does not agree to remove firearms from the residence.

<sup>6</sup> NZ: relevant occupants' consent should be gained without the offender being present - this may not be possible if the commencement of the sentence of imprisonment has been deferred or if the offender is on home leave at the time and therefore Probation Officer should be alert for any signs of the offender pressuring the relevant occupant to give consent and note any such instances in the assessment report.

Offence-based exclusion criteria for front-end HD as established in legislation

|     | current offence exclusions  | prior offence history exclusions  |
|-----|---|---|
| NSW | murder, attempted murder, manslaughter; sexual assault or sexual offences involving children; armed robbery; any offence involving use of a firearm; assault occasioning actual bodily harm or any more serious assault; stalking or intimidation with intention of causing fear offence; domestic violence offence against any person likely to reside with or continue or resume relationship with; drug misuse and trafficking offences; prescribed offences (currently drug offences involving commercial quantities) | murder, attempted murder, manslaughter, sexual assault, sexual offence against a child; stalking or intimidation with intention of causing fear offence; domestic violence offence against any person likely to reside with or continue or resume relationship with; prescribed offence; subject to Apprehended Violence Order within past 5 years for protection of any person likely to reside with or continue or resume relationship with |
| Vic | Sentencing Act Schedule 1 clause 1-4 serious offences, ie, sexual offences, violent offences, drug offences; offence that the court considers is committed in circumstances which involve behaviour of a sexual nature; offence involved use of firearm or prohibited weapon; breach of family violence intervention order; stalking offence  | Sentencing Act Schedule 1 clause 1-4 serious offences as described under current offence exclusions   |
| SA  | not prescribed under legislation  | not prescribed under legislation (but policy requirement for co-residents to sign a Home Detention Resident Agreement)  |

|                 |  |   |
|-----------------|--|---|
| ACT             | murder or manslaughter, grievous bodily harm, assault, stalking, sexual offences, armed robbery, aggravated burglary, other Crimes Act offence involving a weapon, domestic violence, serious drug offence, periodic detention or remand offence, prescribed offence | murder, manslaughter, sexual assault, sexual offence involving a child; stalking or domestic violence offence within last 10 years against a person likely to live in same household; prescribed offences; previous HD order revoked for breach |
| NT              | not prescribed under legislation   | not prescribed under legislation  |
| NZ <sup>1</sup> | not prescribed under legislation   | not prescribed under legislation  |

<sup>1</sup> NZ: as of legislative changes introduced in 2002 - previous eligibility restrictions on serious violent offences.

#### Eligibility requirements for back-end HD as established in legislation

|     | general suitability  | assessment requirement                          | consent requirement   |
|-----|--|---|---|
| Vic | as for front-end HD  | as for front-end HD                             | as for front-end HD   |
| Qld | not prescribed under legislation <sup>1</sup>  | not prescribed under legislation <sup>2</sup>   | not prescribed under legislation <sup>2</sup>   |
| SA  | Chief Executive Officer has absolute discretion to release a prisoner on HD, subject to eligibility exclusions determined by the Minister <sup>3</sup> | not prescribed under legislation                | not prescribed under legislation  |
| NZ  | Parole Board must be satisfied that the offender will not pose an undue risk to the safety of the community or any person                              | Parole Board must request a report <sup>4</sup> | Parole Board must be satisfied that the offender has been made aware of and understands the conditions that will apply during home detention and agrees to comply; household occupants understand the conditions and give consent |

<sup>1</sup> Qld: although requirements are not legislative prescribed, Community Corrections Boards are bound by Ministerial Guidelines, which emphasise community safety. As of 2000, prisoners are eligible to apply for post-prison community-based release and the Board determines the nature of release order if granted - home detention, return to work, or parole. Policy documents state that Community Corrections Boards in deciding whether a prisoner will be released on HD are to consider: previous criminal history, facts of the current offence/s, including the prisoner's attitude, Judge's sentencing remarks, prisoner's behaviour, what the prisoner has done to ensure that he/she won't re-offend, (eg, programs, training), suitability of the proposed accommodation.

<sup>2</sup> Qld: the offender and co-resident are required to provide consent for any post-prison community-based release order, which includes home detention consent (during the electronic monitoring trial all residents were required to provide written consent).

<sup>3</sup> SA: Policy documents describe eligibility criteria as: Ministerial criteria under s37A of Act: not been sentenced for an offence of homicide or of a sexual nature or a Commonwealth terrorist offence; not sentenced for a breach of bond or had parole cancelled for a homicide, sexual or terrorist offence, not have breached a Home Detention order during current sentence; have or be eligible for a low security rating; be able to nominate an appropriate residence with telephone connected (may include approved hostels, special arrangements will be made for home detainees released to remote Aboriginal communities); if required for further court appearance or for a Visiting Tribunal appearance, to wait until bail has been granted or the matter has been dealt with; if a federal offender and the release is subject to the signing of a bond or parole paper, have signed such bond or parole; not be required for extradition or deportation; not be in prison for non-payment of pecuniary sum; other eligibility criteria specified as being considered are: the applicant must not have a positive result to urinalysis in the 3 months preceding application, incidents in which the prisoner has been involved; the submission (addressing issues such as what case plan goals have been achieved, steps taken to reduce likelihood of recurrence if a substance abuse history, evidence of effective corrective action if a history of anger or violence, etc) with application if order longer than 6 months is being sought, any court sentencing comments, rights and concerns of any victims, risks to community safety if released, behaviour of offender in prison, any other matter or information believed to enable a properly informed decision about release.

<sup>4</sup> NZ: Board may not release an offender to Home Detention without first obtaining and considering a report from a Probation Officer as to the offender's suitability.

Offence-based exclusion criteria for back-end HD as established in legislation

|                 | current offence exclusions   | prior offence history exclusions  |
|-----------------|--|---|
| Vic             | as for front-end HD above  | as for front-end HD above   |
| Qld             | not prescribed under legislation   | not prescribed under legislation  |
| SA              | not explicitly prescribed under legislation, but Act empowers Minister to determine, without limitation, exclusions for a class of offences or other class of prisoners; current Ministerial exclusions are: sentenced for homicide, offence of a sexual nature, or a Commonwealth terrorist offence; sentenced for a breach of bond or had parole cancelled for a homicide, sexual or terrorist offence | not explicitly prescribed under legislation, but Act empowers Minister to determine without limitation exclusions for a class of offences or other class of prisoners; current Ministerial exclusions are: sentenced for an offence of homicide or of a sexual nature or a Commonwealth terrorist offence; sentenced for a breach of bond or had parole cancelled for a homicide, sexual or terrorist offence |
| NZ <sup>1</sup> | not prescribed under legislation   | not prescribed under legislation  |

<sup>1</sup> NZ: as of legislative changes introduced in 2002 - previously eligibility restrictions on serious violent offences.

## Overview of process

The broad processes operating in each jurisdiction are shown on the following pages. These process maps, prepared by New Zealand and by each Australian state and territory, vary in the level of detail provided.

The first process map provided by NSW situates home detention within other pathways to intensive supervision programs and shows the flow from sentence to home detention assessment including case planning prior to the making of the order.

The second two process maps prepared by Victoria show separate flows for front-end and back-end programs, including breach processes. The request for an HD order and assessment occur after a sentence of imprisonment is made for front-end detention.

The fourth process map provided by Queensland provides an overview of the application, assessment, completion, and breach processes.

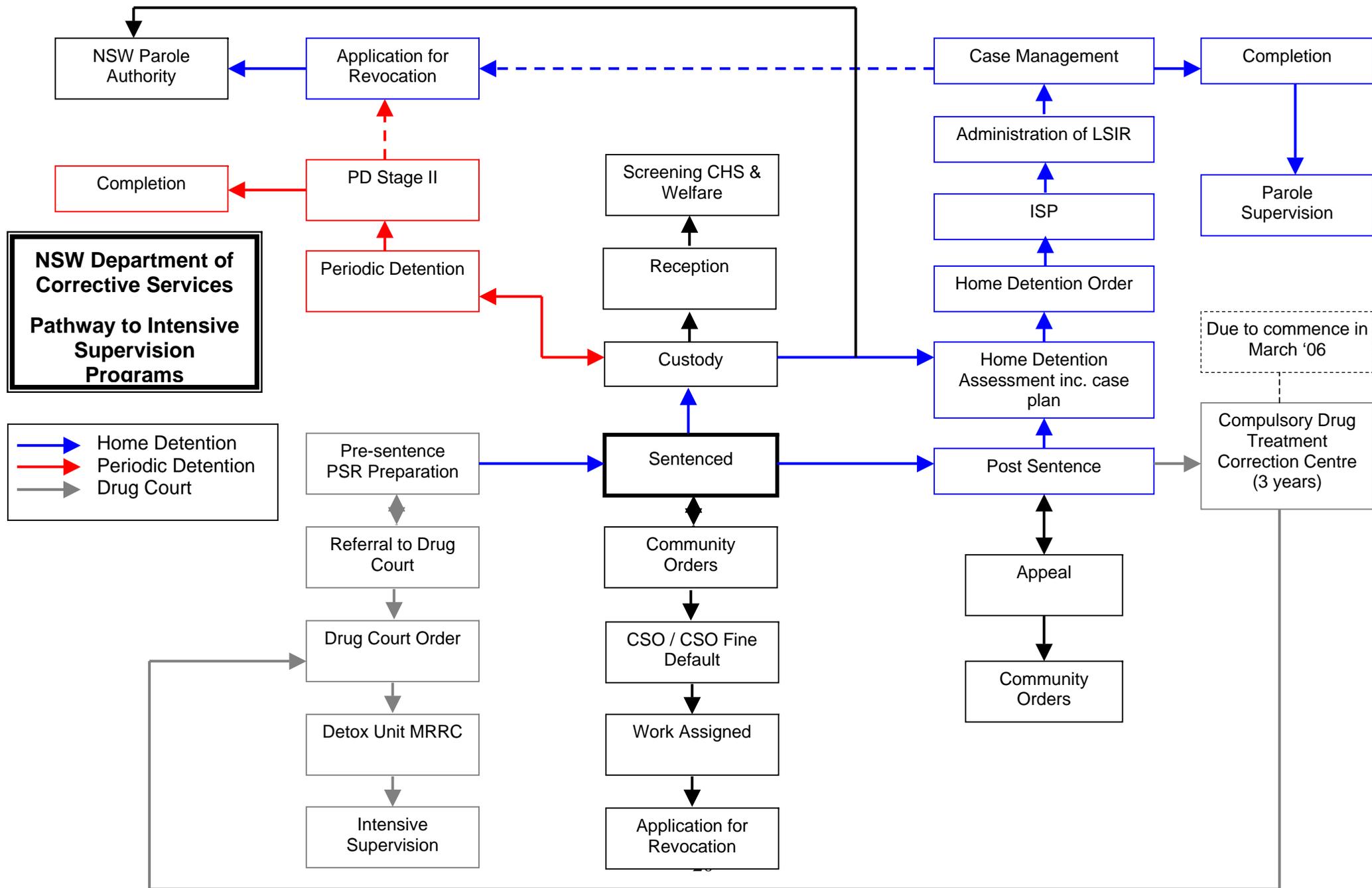
The first of the next two process maps prepared by SA sets out the flow from application to release from prison to home detention in that jurisdiction and the second SA map sets out the process for community corrections action.

The seventh process map prepared by ACT sets out flows for both remanded and sentenced persons under the ACT's front-end program.

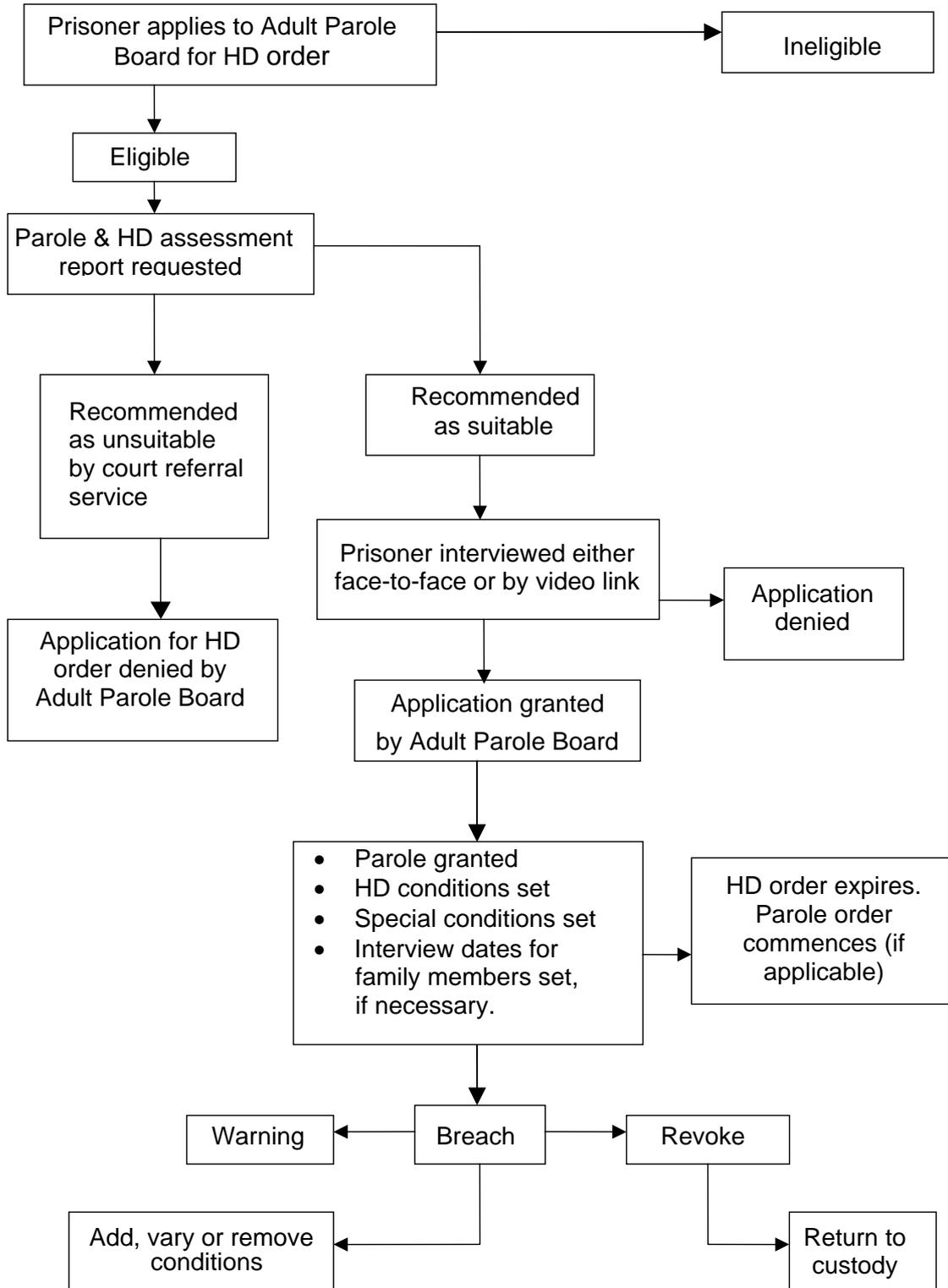
The eighth process map provided by NT outlines the process flow from court to order termination.

The final three process maps prepared by New Zealand set out separately the application, breach and sentence management processes for that country's back-end and front-end home detention programs.

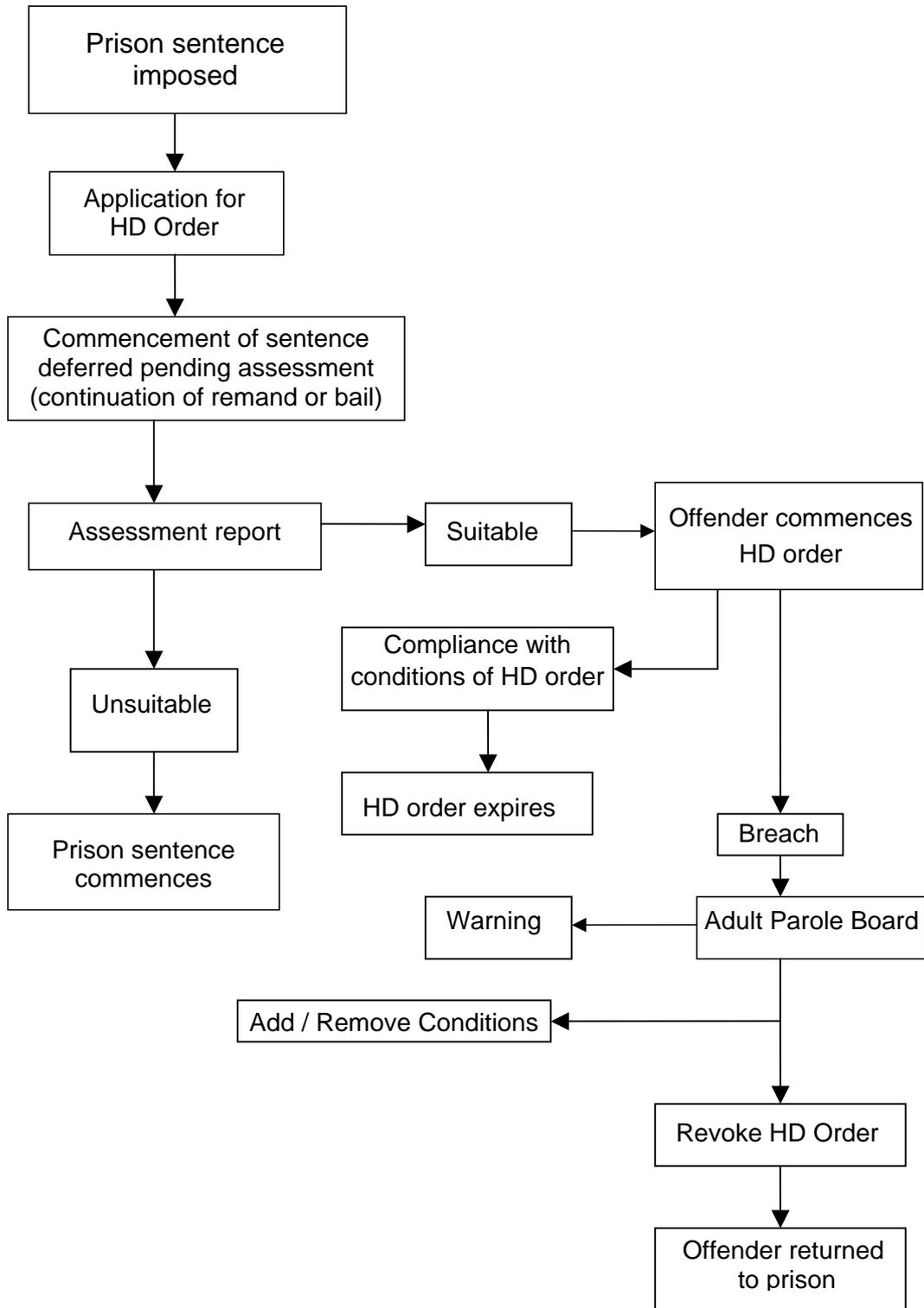
Subsequent sections describe key elements of these processes in greater detail and draw comparisons between jurisdictions on key features.



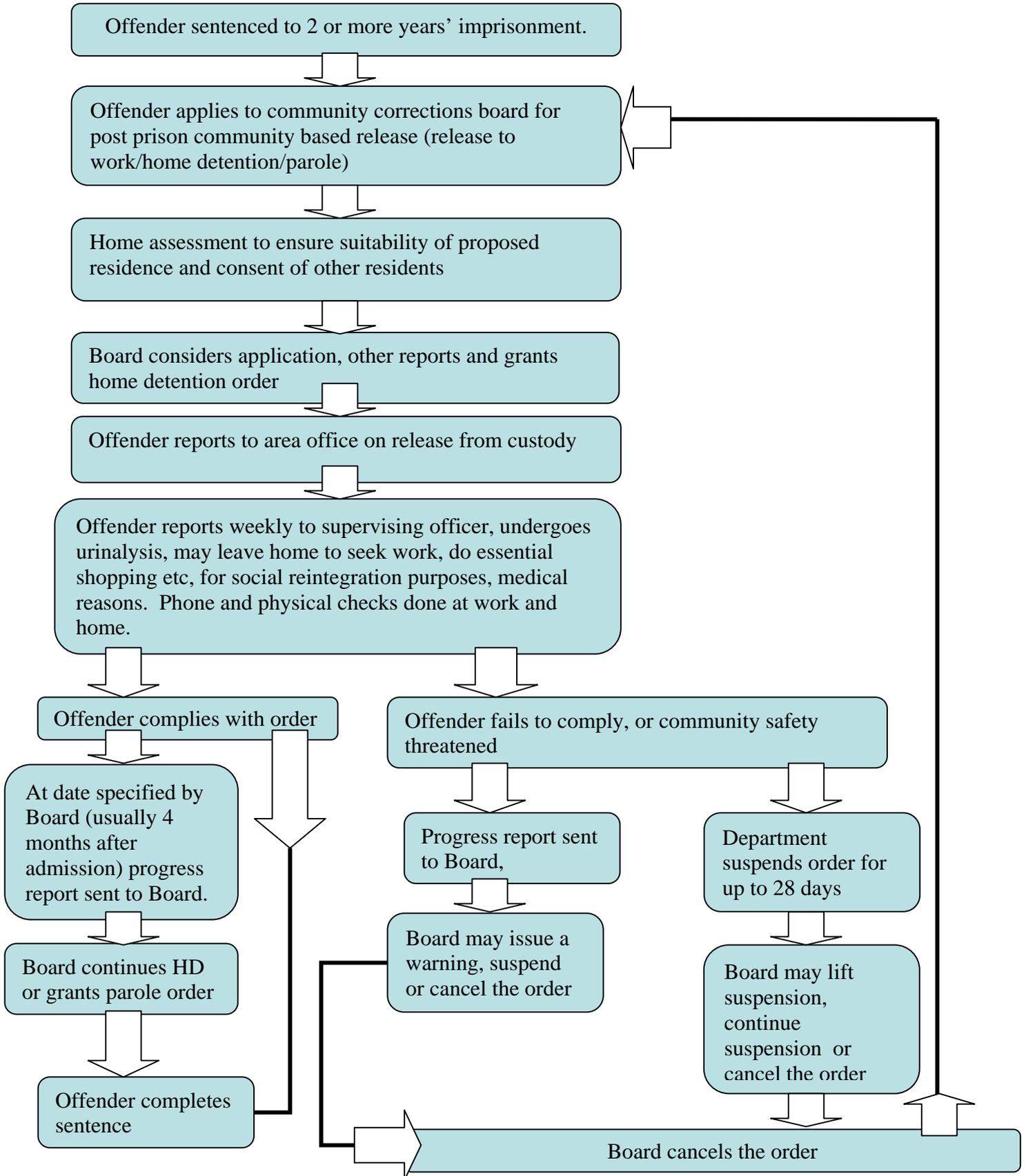
### Victoria Home Detention- Back End Pre-Release Option



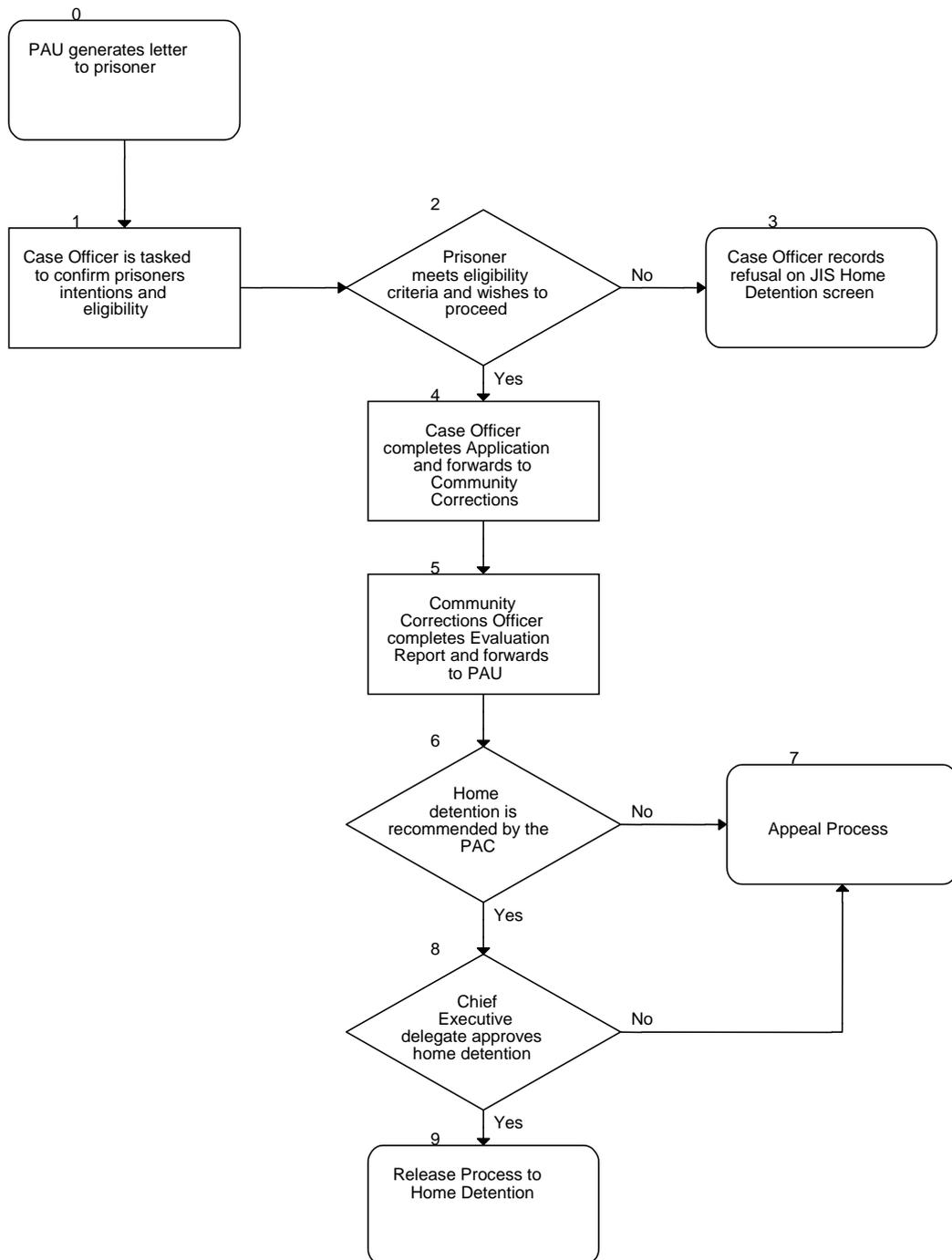
### Victoria Home Detention- Front End



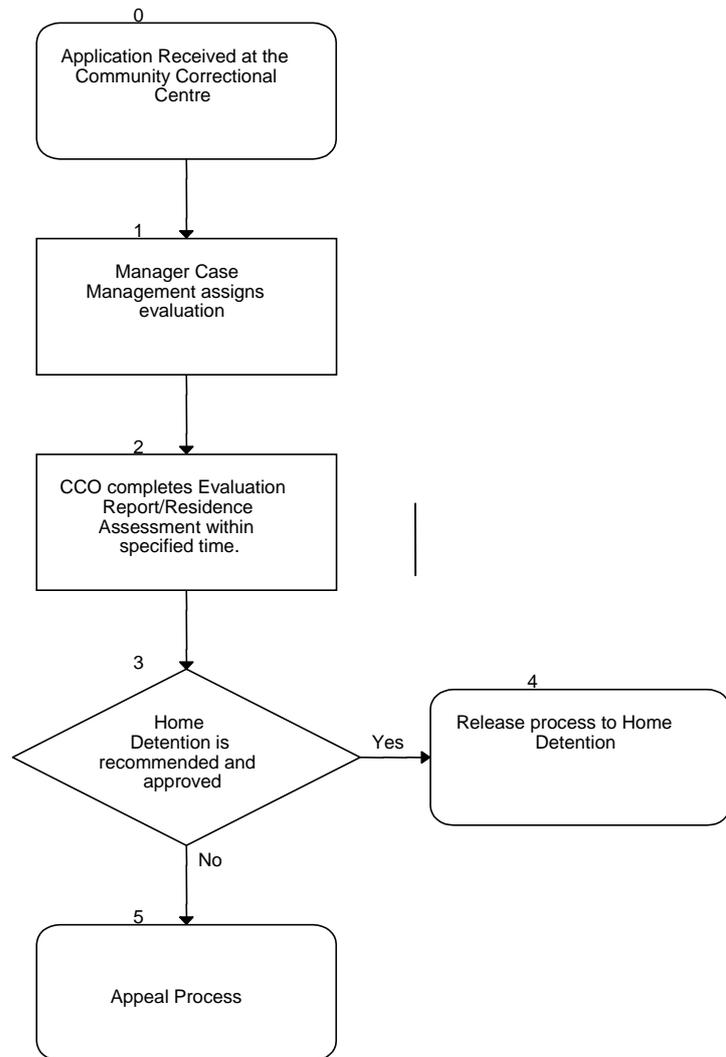
### Process Outline of the Queensland Home Detention Program



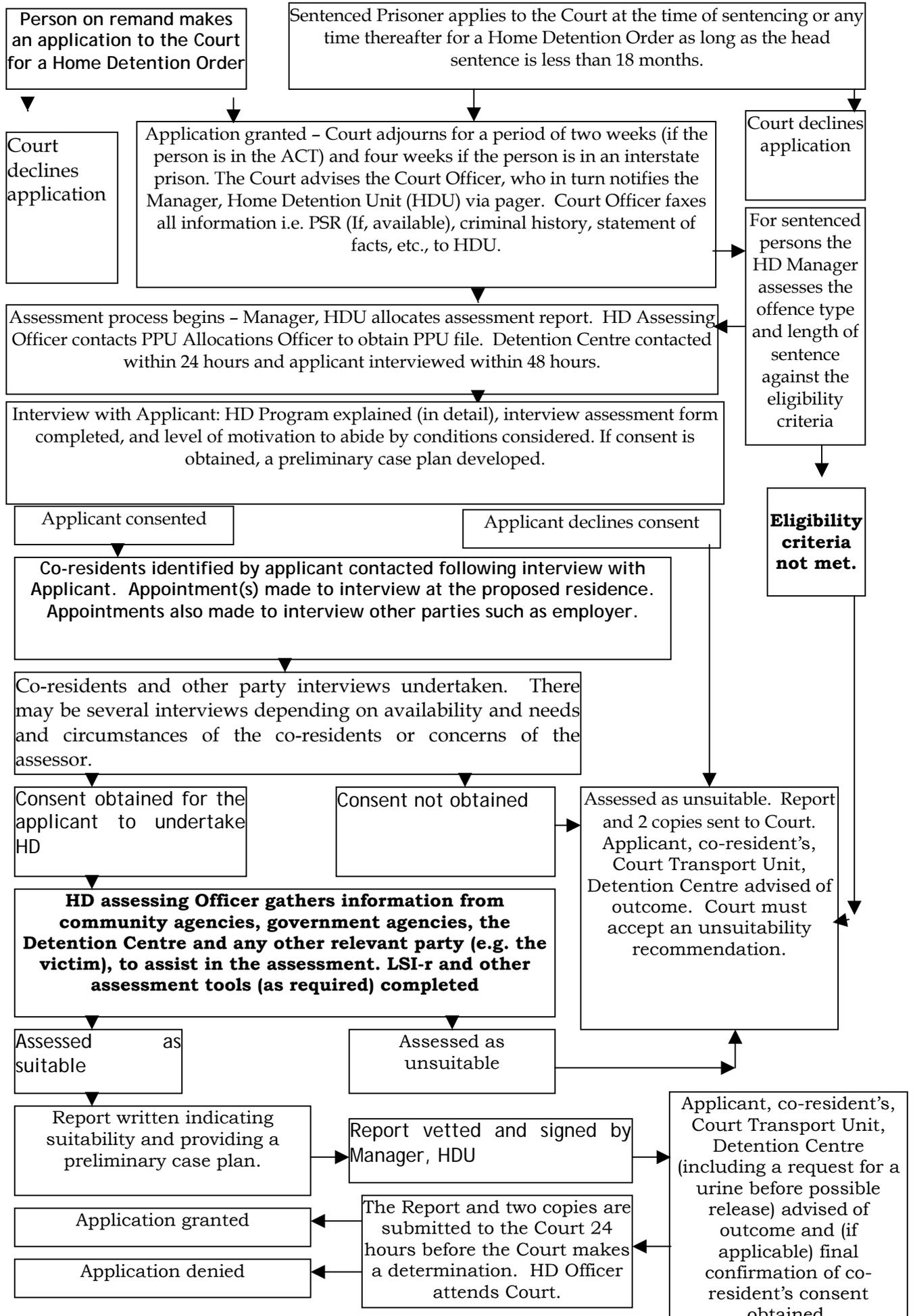
## SOUTH AUSTRALIA PROCESS FOR INSTITUTIONAL STAFF: APPLICATION AND RELEASE OF SENTENCED PRISONERS TO HOME DETENTION



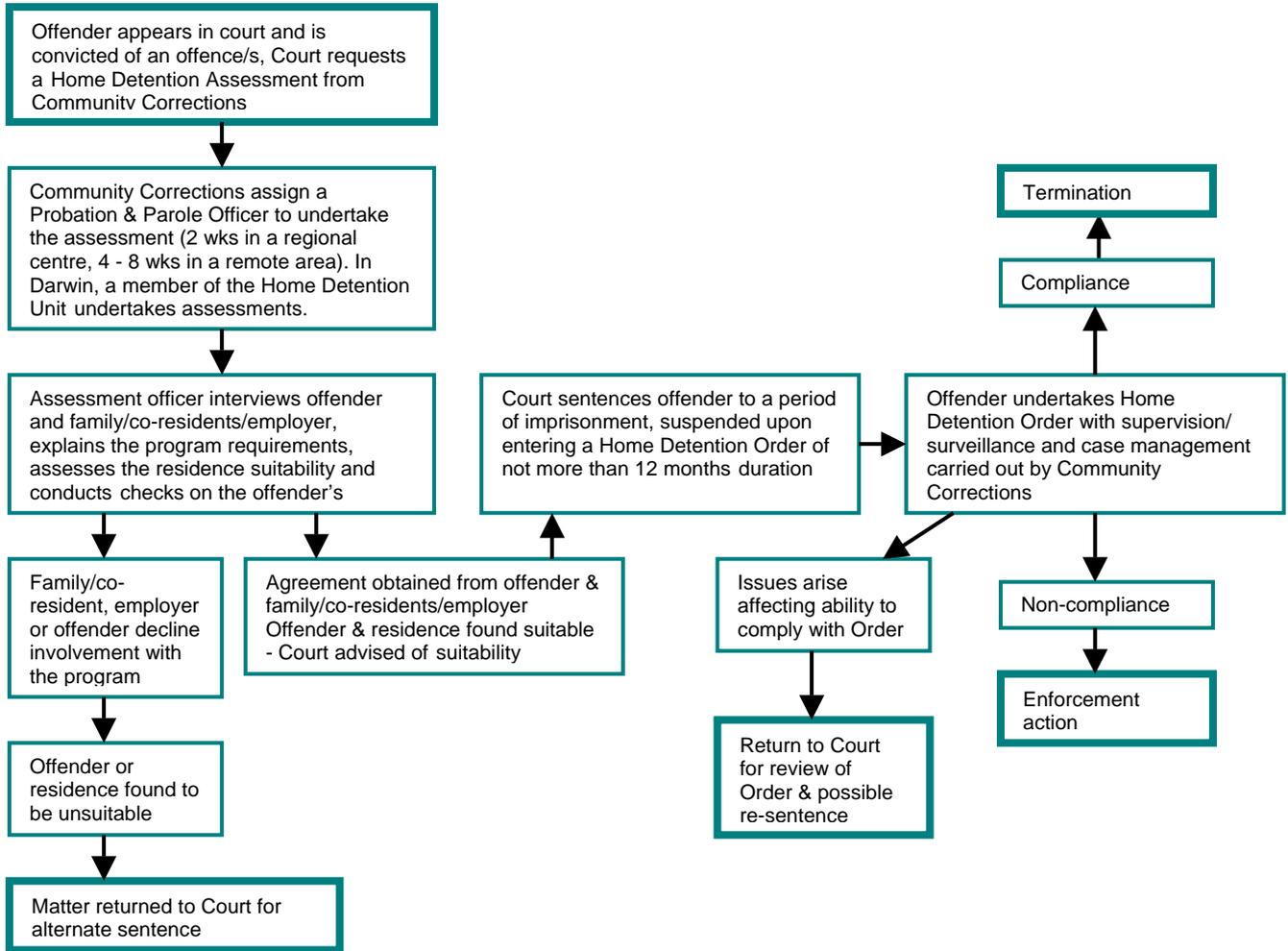
## SOUTH AUSTRALIA COMMUNITY CORRECTIONS STAFF GUIDELINES FOR RELEASE ON TO HOME DETENTION



ACT HOME DETENTION ASSESSMENT PROCESS FLOWCHART

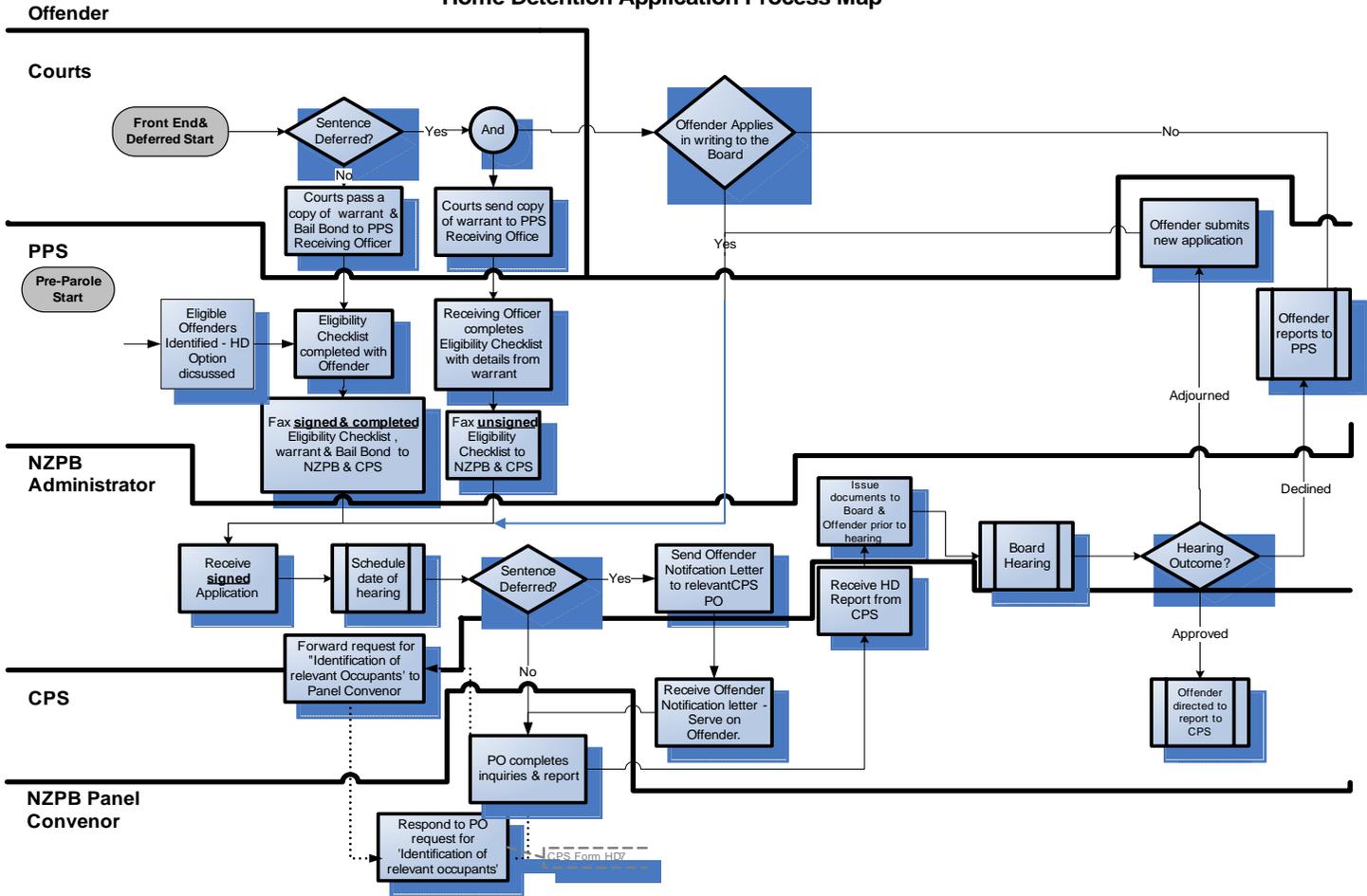


## Process Outline of the Northern Territory home detention program



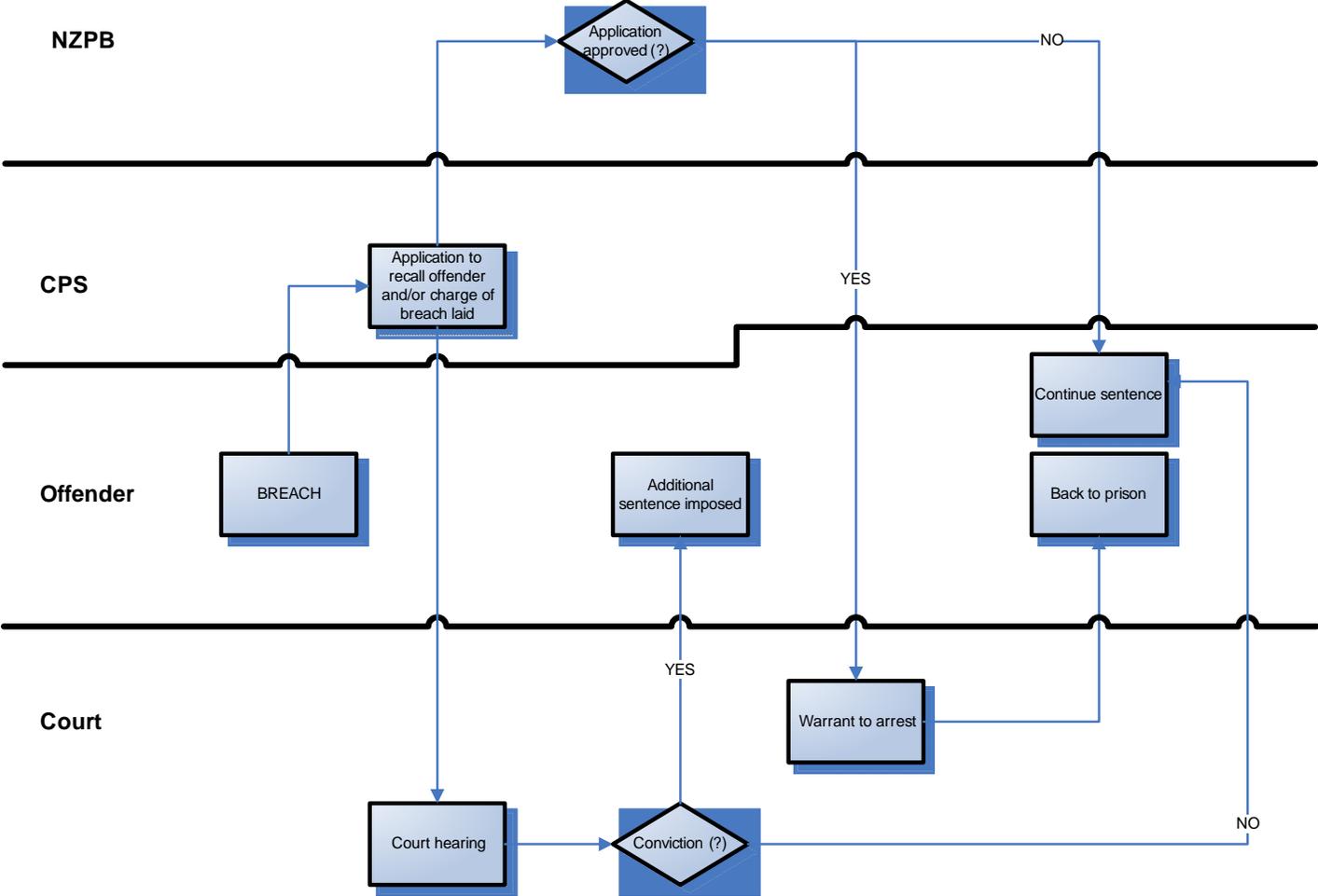
### New Zealand

### Home Detention Application Process Map



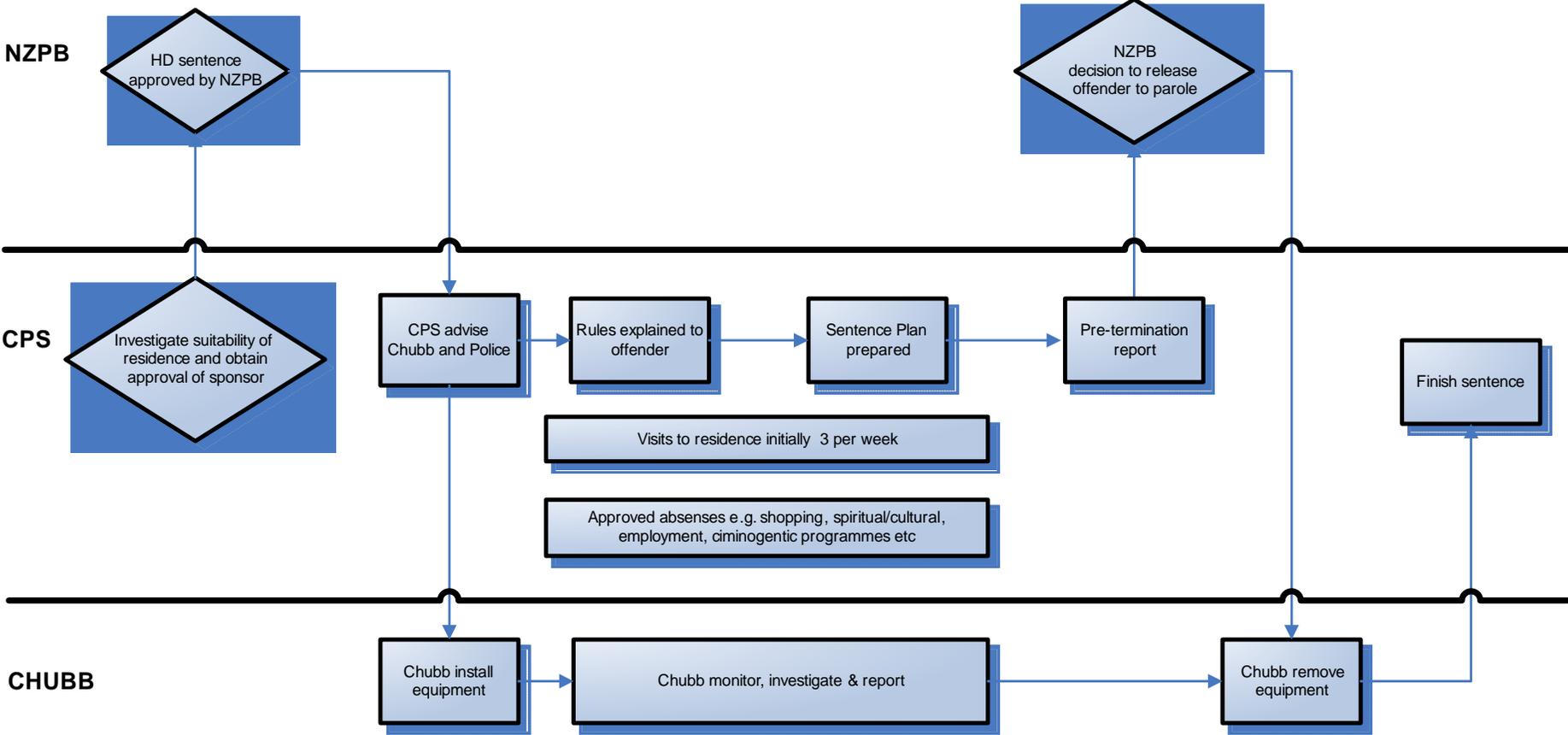
### New Zealand

### Home Detention Breach Process Map



New Zealand

Home Detention Sentence Management Process Map (Summary)



## Assessment

The following table summarised key features of the assessment process detailed explicitly in legislation in some jurisdictions and established in departmental policy and practice for others. These key features are similar for front-end and back-end HD in those jurisdictions operating both types of schemes and are dealt with together in the table below.

Effective risk assessment is cited as a critical success factor and documented as a good practice feature in the international research and practice literature, although common core features are not explicitly cited for detainees (with the exception of co-resident safety and wellbeing considerations, especially in relation to domestic violence, in some reports). Careful and effective assessment of the offender's relationship with the family, including risk of harm to family members, were identified by two program managers as critical success factors.

### *Comparison:*

The decision on the suitability of making an HD order in each individual case is informed by a formal assessment process resulting in an assessment report to the decision-making body prepared by officers in all jurisdictions. However, jurisdictions vary in the extent to which it is mandatory that the decision-making body take into account the outcomes of this assessment (see previous section) and to which the content and process is legislatively prescribed (see second table below). NSW, Victoria, ACT and NZ legislation explicitly details the type of information that must be included in the assessment report. Jurisdictions also vary in the timing of assessment within the sentencing process and in policy standards applied to the length of time taken to produce an assessment report.

### Assessment methodology for HD orders

|                  | assessment tools and specified information sources*  | timing and location   |
|------------------|--|---|
| NSW <sup>1</sup> | LSI-R used generally for offender assessments, including for home detention<br><br>information sources: offender criminal history including current warrants and Apprehended Violence Order history; co-resident offending history; Child Protection Unit for safety check if children under 18 in household | suitability assessment is requested after sentencing; referral for assessment stays execution of sentence; assessment requested while client located in prison system; courts can remand or bail during adjournment for assessment<br><br>recommended that courts should allow 3 weeks for assessment; initial interviews with offender and co-residents to occur within 1 week |
| Vic              | Corrections Victoria risk assessment tool used<br><br>information sources: detainee criminal history; police check for pending charges; offending history of   | referral for assessment stays execution of the sentence until a determination has been made; courts may remand the offender in custody or allow bail during the adjournment period (suggested in policy documents that Courts consider  |

|     |   |  |
|-----|---|--|
|     | <p>proposed co-residents (where appropriate); if co-resident children aged under 17, child protection check in accordance with the interagency protocol between Department of Human Services and Home Detention Unit; investigation of all available documents and files as well as ongoing communications and assessments with the offender, their family, consultations with key service providers and/or other identified supports and authorities</p> | <p>imposition of additional bail conditions if releasing an offender on bail during the assessment period)</p> <p>if bail is granted, assessment to occur as soon as practicable, preferably in the first instance at the offices of the Home Detention Unit; if in detention, assessment occurs at the prison location; co-residents must be interviewed independently from the offender in an environment that is considered safe and promotes confidential and frank discussions<sup>2</sup></p> <p>recommended court/Parole Board allow four weeks in normal circumstances; initial interviews with offenders and co-residents must be completed within one week of the receipt of the assessment request and initial contact is to be made with co-residents within 48 hours, report within 28 days</p> |
| QId | <p>Offender Risk Need Inventory (Revised) conducted at start of prison term provides basis for assessment</p> <p>information sources: custodial/court files with information on the offence, criminal history, previous case files, interviews with prisoner, significant others, agencies that have had contact with the prisoner in custody, staff</p>  | <p>prisoners are encouraged to submit applications 90 days in advance of release eligibility date, if not received 90 days in advance no more than 60 days may elapse before application is submitted to the board</p>   |
| SA  | <p>checklist tools used include Victim Check, Home Visit Hazard Assessment and Residence Assessment for every residence/intended residence but no specific structured assessment tool for offender risk assessment</p> <p>information sources: Justice Information System, Victims Service Unit advice/comment, Warrant/Apprehension Reports, firearms check, Intel information from DCS/SAPOL, prisoner's Aboriginal Liaison Officer</p>                 | <p>HD Evaluation Report to be completed within 6-8 weeks of receipt of an eligible HD application; fast-track process (may be applied to prisoners with under 6 months sentence left to serve): report applications to be completed within 3 working days</p>  |
| ACT | <p>LSI-R used generally for offender assessments, including for home detention</p> <p>information sources: offence records (excluding the alleged offence in the case of remandees), ACT Magistrate's</p>   | <p>a request for an Assessment Report does not stay the execution of a sentence nor does it affect the order for remand; at any time a sentenced offender or remandee can apply to be assessed for HD, the court will determine whether the application meets criteria for</p>   |

|                 |  |   |
|-----------------|--|---|
|                 | <p>Court history regarding protection orders, departmental files/records, LSI-R or any other risk assessment tools administered, victim impact statements, interviews with applicant, proposed co-residents, family members and relevant others; may ask any entity for information and the entity must comply promptly<sup>3</sup></p> <p>if the assessment process reveals that a detainee will have regular contact with children, young people, people with disabilities or people who may not be able to give informed consent, there will be consultation with an agency that has statutory responsibility, or who can advocate for such people; Family Services must be consulted where there are children residing in the proposed residence on a casual or permanent basis.</p> | <p>assessment, and if so, may order it to be undertaken and the applicant remains in custody while the assessment is done</p> <p>interview with applicant to be arranged within 48 hours of request for assessment; report to be completed within two weeks</p>   |
| NT              | <p>HD suitability checklist used in preparing a report, may take into account the views of those members of the community who may be affected by the making of the order<sup>4</sup></p> <p>information sources: list of prior convictions, précis, etc, welfare check, IJIS check for any Domestic Violence Orders, HD Firearms Check to Police Central Firearms Registry</p>   | <p>no time standards explicitly stated in policy documents</p>  |
| NZ <sup>5</sup> | <p>standard assessment checklist included as part of assessment report</p> <p>information sources: sources: pre-sentence report, up to date convictions list, sentencing notes, specialist reports, offender's prison file, and up to date risk/needs assessment; criminal history check on all co-residents over 18; child services if children at the residence; interviews with all residents aged over 18</p>  | <p>where the sentencing Judge defers the commencement of the sentence of imprisonment for the preparation of an HD report, the offender returns to the home address and is required to make an application for HD within two weeks</p> <p>for long-term determinate prisoners, the prison confirms the offender's eligibility and willingness to apply about five months before HD eligibility date, Board schedules a hearing and requests a report, Probation Officer interviews the offender at the prison</p> <p>report must be forwarded to the Board within 10 working days</p> |

\* refers to information sources made explicit in policy and procedures documentation; does not necessarily represent the full range of sources used in practice.

<sup>1</sup> NSW: the assessing officer must explain the concept of informed consent of the offender and co-residents and the impact this will have on the assessment outcome; the co-residents must be offered the opportunity to discuss the matter with the assessing officer privately;

children under the age of 18 years should be consulted wherever practical and their wishes also documented within the assessment report.

<sup>2</sup> Vic: some part of the interview should be conducted in the presence of the offender where this is both feasible and appropriate, so the family or co-resident dynamics may be observed; the interview should include any children who will be residing with the offender and consideration should be given to their views - giving due regard to the age of the child.

<sup>3</sup> ACT: requirement for prompt provision of information from entity is provided for in the legislation.

<sup>4</sup> NT: legislative provision

<sup>5</sup> NZ: relevant occupants' consent should be gained without the offender being present - this may not be possible if the commencement of the sentence of Imprisonment has been deferred or if the offender is on home leave at the time and therefore Probation Officer should be alert for any signs of the offender pressuring the relevant occupant to give consent and note any such instances in the assessment report.

### HD assessment report content

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#### report content

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- |     |   |
|-----|---|
| NSW | <ul style="list-style-type: none"><li>• criminal record and likelihood of re-offending*</li><li>• illegal drug dependency*</li><li>• likelihood of committing a domestic violence offence*</li><li>• circumstances inhibiting effective monitoring*</li><li>• household residents understanding of order requirements*</li><li>• risk to any person living with or in vicinity of offender*</li><li>• prescribed matters*</li><li>• assessment report must specifically address effect of order on any child under 18 living with offender*</li><li>• current situation (offender current domestic, employment and social circumstances &amp; manner in which they will impinge on suitability and program performance)</li><li>• key issues (risk areas include mental illness, violence especially domestic violence, impact on children, drug or alcohol dependence, associates)</li><li>• current offence (especially circumstances, relationship to previous offences, any pattern of causation or opportunity, emphasising practical controls that program would apply to diminish re-offending risk)</li><li>• response to supervision (including offender's response during assessment, assessment of insight and motivation, response to previous supervision)</li><li>• recommendation and outline of case plan (including recommendations on additional conditions where appropriate, outline of permitted activities and developmental objectives to be pursued)</li><li>• assessment of self-harm risk</li><li>• assessment benefits and dangers to children residing with detainee (involving Department of Community Services if initial screen shows indicators of abuse or safety concern)</li></ul> |
| Vic | <ul style="list-style-type: none"><li>• age*</li><li>• social history and background*</li><li>• medical and psychiatric background*</li><li>• educational background*</li><li>• employment history*</li><li>• details of current and prior offence history, known circumstances of any other offences*</li><li>• extent to which offender is complying with any sentence currently in force*</li></ul>  |
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- 
- financial circumstances\*
  - any special needs\*
  - any courses or programs or therapies or other assistance available to offender from which offender may benefit\*
  - whether an alcohol or drug dependent person\*
  - likelihood of committing an offence under the Family Violence Act\*
  - any circumstances not permitting effective monitoring\*
  - whether household members understand requirements and are prepared to live in conformity with them\*
  - risk of harm to household members or anyone in vicinity\*
  - any other prescribed matter\*
  - list of consulted parties
  - educational/training requirements, social and personal issues to be addressed
  - core activities that will be accessed, eg, education, careers, recreation, personal development, community work
  - outline of agencies to be involved, family/other support available
  - monitoring measures
  - breach procedures outlined
  - transport from prison to home upon release where applicable
  - contingency residential address
  - any outstanding compensation/restitution orders

- Qld<sup>1</sup>
- risk/need assessment inventory score and summary
  - summary of previous applications
  - brief description of circumstances surrounding offence
  - progress in completing recommended interventions
  - prison conduct
  - reintegration considerations
  - home assessment report
  - remission decisions
  - recommendations including any special conditions recommended

if participating in electronic monitoring trial must consider:

- nature and circumstances of offence
- degree of safety risk to the community
- prisoner willingness to comply with conditions
- views of co-residents
- suitability of proposed accommodation for electronic monitoring

reports to accompany application: Assessment Unit report, criminal history, official summary of offences, transcript of sentence of relevant convictions for which currently convicted, breach/incident history, home assessment report (which includes information about resident consent), program participation report, prisoner submission/documents, psychiatric/psychological reports

- SA
- prison background including conduct while in custody
  - offending history summary including order breach/cancellations
  - individual development plan referral history and comment (eg, alcohol and drug intervention, anger management, victim awareness, etc)
  - alcohol and other drug history
  - gambling/violence history
  - health issues
  - victim issues
  - residence and co-resident details including whether any co-resident has an offending record
-

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- employment/study details
  - driving/firearm information
  - recommendation including recommendation about electronic monitoring

report writers are to consider

- availability of suitable home accommodation
- prospects of suitable employment, education or training being available (including written confirmation)
- prisoner's behaviour while in custody
- prisoner's progress and prospect of rehabilitation (against IDP/Program Plan).
- prisoner's conduct during past periods of sentence, parole, bond or bail, adherence to conditions and response to supervision
- outstanding court matters
- existence and extent of any drug or alcohol addiction
- existence of any health issues (physical, emotional, mental)
- existence and extent of any violence/domestic violence issues
- family or other support available for the prisoner
- needs of the prisoner's family and dependants
- Department's capacity to provide appropriate supervision

- ACT
- potential of order to help rehabilitation\*
  - criminal record and re-offending likelihood\*
  - any cultural issues in relation to persons in the household\*
  - offender drug dependency\*
  - likelihood of a domestic violence order offence towards a household member\*
  - sexual or violence offence likelihood\*
  - circumstances inhibiting monitoring of order\*
  - household member understanding of obligations of order\*
  - risk of harm to offender or household member or anyone living nearby\*
  - other prescribed matters\*
  - likelihood of the applicant completing the order successfully
  - suitability of accommodation including the provision of telephone services
  - consideration of employment, education or other activities
  - consent by others in the household
- NT<sup>2</sup>
- statement of offender suitability
  - statement of suitability of arrangements for the offender to reside at the premises or place specified
  - statement of suitability of premises for the purposes of an HD order
  - statement that the making of an HD order is not likely to inconvenience or put at risk other persons living in those premises or at that place or the community generally
- NZ
- nature of the current offence\*
  - likelihood that offender's rehabilitation and reintegration will be assisted\*
  - safety and welfare of the occupants of the residence where the offender is to be detained\*
  - outcome of any restorative justice processes that have occurred\*
  - accommodation, including details of relevant occupants and residence (ie, name, relationship to the offender, any children and their ages, whether
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residents are likely to be a positive influence on the offender, their attitude to HD, and their attitude to the offender's prior convictions, address and description of the residence, eg, house, apartment, caravan, and its suitability for HD, any other information relevant to the occupants or residence, eg, location of the home in relation to schools, hotels, or anything likely to present a risk in terms of the successful completion of Home Detention

- employment/training, program(s), eg, availability and details of programmes to address identified criminogenic needs, availability and details of employment or employment training
- summary including how responsive the offender is likely to be to program participation, the author's opinion as to the likely success of the proposed HD conditions, and any concerns about the offender's suitability for HD (eg, if victim lives close by or offender has a history of domestic violence or offender has a history of child abuse and there are children living in the home) and proposed release conditions
- any relevant input from Police or Child, Youth and Family, and any other issues that the Probation Officer considers relevant

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\*explicitly prescribed by legislation

<sup>1</sup> Qld: based on generic assessment process for imprisonment and post-prison release orders.

<sup>2</sup> NT: refers to content of the Home Detention Assessment Order Report (Form 1) provided as appendix 6E in policy documentation; more detailed information is set out in the Suitability Check - Home Detention (Form K) at appendix 6S including welfare check of child abuse or domestic violence, prior criminal history including previous HD order breach, medical history including prescribed drug use, substance abuse, attitude and motivation, residential suitability assessment on a range of factors, whether co-residents are agreeable to the order and willing to accept surveillance checks and surrender any firearms in their name held at the residence, defendant employment/training information including employer agreement to surveillance checks and information provision.

## Order conditions

No evidence was found in the research and practice literature review for greater effectiveness associated with specific core conditions or listed in good practice guidelines. The appropriateness and effectiveness of conditions is more generally linked to individual circumstances under assessed risk-needs in individual case planning and management, eg, testing where substance abuse is indicated. Capacity to vary conditions where warranted (and an efficient process for doing so) was identified in UK evaluation research. Capacity for offenders, co-residents and corrections officers to apply for order revocation where there has been a material change in circumstances was cited in US national guidelines.

### *Comparison:*

Jurisdictions vary in the extent to which there are designated standard or core conditions to be applied to all persons on HD orders or whether the particular conditions to be applied in each individual case are left to the decision-making body to determine. Jurisdictions also vary in the extent to which these are legislatively prescribed or are established through policy. In Victoria, NT and NZ, standard conditions are set out in the Act, in NSW and the ACT they are imposed by regulation, in Queensland they are listed in a gazetted form, and no standard or core conditions (other than a requirement to reside at a particular place, be of good behaviour and comply with lawful directions) are listed in primary or subordinate legislation in SA.

All jurisdictions have core conditions governing detainee's place of residence and some also provide for circumstances under which the detainee may leave that residence (eg, if in immediate danger, if requiring urgent medical treatment) although the scope of these varies across jurisdictions (eg, extends to consent withdrawal in Victoria) and it includes an associated requirement to advise the supervising officer where leaving the residence under the specified conditions in some jurisdictions (eg, NSW, Victoria, ACT).

All jurisdictions have a core condition of complying with all reasonable directions/lawful instructions of a supervising officer. However, they vary in other conditions governing general behaviour, eg, not associating with specific persons in five jurisdictions, or "not take preparatory steps to breach, or otherwise evidence an intention to breach" the order in one state (see second table below). The condition of complying with instructions of the supervising officer appears to be relied upon to direct offenders in relation to employment or program participation in some jurisdictions while others make explicit provision for finding or maintaining employment as directed or engaging in personal development activities or counselling or treatment as directed. Approved activities include the capacity to direct an offender to undertake community work in some jurisdictions (eg, NSW, Victoria, ACT), while community work is explicitly disallowed for offenders on home detention orders under Queensland legislation.

Jurisdictions vary in whether there are core conditions governing use of drugs and alcohol (in five jurisdictions and extending to abuse of lawfully obtained drugs in three), possession or use of firearms or weapons (four and three respectively), and the authorisation of release of information by employers or medical practitioners or other specified service provider (in three jurisdictions). There is also variability in whether electronic monitoring is explicitly provided for in core conditions and if

so, associated requirements relating to tampering with equipment, installation and retrieval, maintaining a telephone service, or other aspects (see second table below).

There are also jurisdiction-specific core conditions governing a range of other issues, eg, submitting to searches (NSW and Vic), having a copy of the order in the detainee's possession and producing it when required (Queensland - at all times, NZ - when on approved absence), not threatening or insulting or using abusive language to a surveillance officer (NT), obtaining permission of a correctional officer before driving a motor vehicle (Queensland), or a general provision providing for the Chief Executive Officer to impose any order condition deemed appropriate (SA).

Governing legislation explicitly provides for discretion for the court or Board to apply other conditions as it sees fit in all jurisdictions (except SA front-end HD where, as noted earlier, there are only limited general conditions established under legislation). There is some variability in the extent to which the power to vary conditions is made explicit within the relevant Act, eg, in Victoria the Act explicitly states that the court or Parole Board may vary or revoke special conditions at any time upon application by the offender or department or Director of Public Prosecutions.

#### Setting of conditions for HD orders

|     | standard/core conditions apply   | discretion to apply other than core conditions   | capacity to vary conditions  |
|-----|--|--|--|
| NSW | standard conditions imposed by regulation* (see table below)   | any conditions considered appropriate by the court, may include conditions on employment or community service work*  | Parole Board may impose additional or vary or revoke additional conditions at any time                                   |
| Vic | core conditions apply* (see table below)   | court or Parole Board may make special conditions itself or on application by department or Director of Public Prosecutions*   | court or Parole Board may vary or revoke special conditions at any time upon application by offender, department or DPP* |
| Qld | no standard/core conditions set in legislation; core conditions established in gazetted form and Board may elect to apply any/all of these | may include a condition the board considers is reasonably necessary to ensure good conduct or stop offence commission or that requires carrying out of a lawful instruction; must not include community work * | Community Corrections Board determines which conditions will apply   |
| SA  | only limited general condition set in legislation  | not prescribed under legislation; specific conditions set by court or Prisoner Assessment Committee  | not prescribed under legislation   |

|     |  |  |  |
|-----|--|--|--|
| ACT | standard conditions prescribed in regulations (see table below)* | any conditions the court considers appropriate other than those requiring the person to make any payment whether a fine, compensation or otherwise*  | the court may not revoke or amend any standard conditions or impose or amend any additional conditions so as to impose any limits on or otherwise be inconsistent with the standard conditions*  |
| NT  | standard conditions (see table below)*                           | any conditions as the court sees fit including but not limited to the standard conditions*   | court on application by Director or offender   |
| NZ  | standard conditions (see table below)*                           | may include special conditions relating to place of residence, finances or earnings, program participation, not associating with any person or class of persons, prohibiting the offender from entering or remaining in specified places or areas at specified times or at all times, requiring taking of prescription medication, compliance with designated release conditions on whereabouts of the offender; Board must consider requiring the offender to undertake a program as a special condition* | offender or the Probation Officer can apply to the Board for variation or discharge of conditions imposed by the Board; Board may direct the variation or discharge of any release or detention conditions imposed by it (detailed guidelines on when to apply for variation, discharge or review are set out in policy documentation) |

\* explicitly prescribed by legislation

#### Standard/core conditions of HD orders

| re residence:  | NSW | Vic | Qld <sup>1</sup> | SA <sup>2</sup> | ACT | NT | NZ |
|--|-----|-----|------------------|-----------------|-----|----|----|
| reside at specified place of residence   | y*  | y*  | y                | y*              | y*  | y* | y* |
| only leave specified place of residence for approved purposes/reasons/with permission  | y*  | y*  | y                | y*              | y*  | y* | y* |
| only leave specified place of residence if in immediate danger   | y*  | y*  |                  | y               | y*  |    | y* |
| advise supervising officer if left residence because in immediate danger   | y*  | y*  |                  |                 | y*  |    |    |
| only leave specified place of residence to avoid or minimise a serious risk of death or injury to the offender or any other person |     |     |                  |                 |     |    | y* |
| only leave specified place of residence for urgent medical or dental treatment   |     |     |                  | y*              |     | y* | y* |

|   |  |    |  |  |  |  |  |    |
|---|--|----|--|--|--|--|--|----|
| advise supervising officer if left residence for urgent medical or dental treatment |  |    |  |  |  |  |  | y* |
| only leave specified residence when person residing there has withdrawn consent     |  | y* |  |  |  |  |  |    |
| advise supervising officer as soon as possible if left because of withdrawn consent |  | y* |  |  |  |  |  |    |
| proceed directly and by shortest practicable route to and from authorised places    |  |    |  |  |  |  |  | y* |

| re employment:   | NSW | Vic | Qld <sup>1</sup> | SA <sup>2</sup> | ACT | NT | NZ |
|--|-----|-----|------------------|-----------------|-----|----|----|
| find or maintain employment as directed  | y*  | y*  | y                |                 | y*  |    |    |
| get approval before accepting employment   |     |     | y                |                 |     |    | y  |
| inform employer of the HD order if directed  | y*  | y*  | y                |                 | y*  |    |    |
| authorise/consent to contact between supervising officer and employer                    | y*  |     | y                |                 | y*  |    |    |
| make reasonable attempts to facilitate contact between employer and department           |     | y*  |                  |                 |     |    |    |
| notify officer of any change in employment, education or training status within 24 hours |     |     | y                |                 |     |    |    |

| re other approved activities:  | NSW | Vic | Qld <sup>1</sup> | SA <sup>2</sup> | ACT | NT | NZ |
|--|-----|-----|------------------|-----------------|-----|----|----|
| comply with activity plan/participate in approved activities as directed           | y*  | y*  | y                |                 | y*  |    |    |
| engage in personal development activities, counselling or treatment as directed    | y*  | y*  | y                |                 | y*  | y* |    |
| undertake community service work as directed by a supervisor                       | y*  | y*  |                  |                 | y*  |    |    |
| authorise/allow contact between supervising officer and person conducting activity |     |     | (y)              |                 | y*  |    |    |

| re alcohol/drugs: <sup>3</sup>         | NSW | Vic | Qld <sup>1</sup> | SA <sup>2</sup> | ACT | NT | NZ |
|--|-----|-----|------------------|-----------------|-----|----|----|
| not use prohibited drugs               | y*  | y*  | y                |                 | y*  | y* |    |
| not use alcohol                        | y*  | y*  | y                |                 | y*  | y* |    |
| not abuse drugs lawfully obtained      | y*  | y*  |                  |                 | y*  |    |    |
| submit to testing for drugs or alcohol | y*  | y*  | y                |                 | y*  | y* |    |

| re firearms/weapons:  | NSW | Vic | Qld <sup>1</sup> | SA <sup>2</sup> | ACT | NT | NZ |
|---|-----|-----|------------------|-----------------|-----|----|----|
| not possess or use a firearm <sup>3</sup>   | y*  | y*  |                  |                 | y*  | y* |    |
| not possess or use a prohibited/offensive/controlled weapon                           | y*  | y*  |                  |                 | y*  |    |    |
| immediately notify supervisor if a person brings a firearm onto the premises or place |     |     |                  |                 |     |    | y* |

| re authorisation of release of information:  | NSW | Vic | Qld <sup>1</sup> | SA <sup>2</sup> | ACT | NT | NZ |
|--|-----|-----|------------------|-----------------|-----|----|----|
| from medical practitioner, therapist or counsellor   | y*  |     |                  |                 | y*  |    |    |
| from employer  |     |     | (y)              |                 | y*  |    |    |
| from any government department or agency (State/Territory/Commonwealth)  |     |     | (y)              |                 |     |    |    |
| from any educational authority   |     |     | (y)              |                 |     |    |    |
| from any religious, medical or welfare agency, rehabilitation centres and others   |     |     | (y)              |                 |     |    |    |
| must allow contact between employer and corrections officer and person conducting an approved activity or program being attended |     |     |                  |                 |     | y* |    |

| re electronic monitoring:   | NSW | Vic | Qld <sup>1</sup> | SA <sup>2</sup> | ACT | NT | NZ |
|---|-----|-----|------------------|-----------------|-----|----|----|
| submit to electronic monitoring if required   | y*  | y*  | (y)              |                 | y*  | y* | y* |
| not damage, disable or tamper with electronic monitoring equipment                  | y*  | y*  | (y)              |                 | y*  | y* | y  |
| must maintain a telephone service to the approved home for the monitoring equipment |     |     |                  |                 | y*  |    |    |
| provide continuous supply of electricity for the monitoring equipment               |     |     | (y)              |                 |     |    |    |
| allow placing, installation and retrieval of equipment from the specified place     |     |     | (y)              |                 |     | y* |    |
| not block or cut access to the phone line attached to EM equipment                  |     |     | (y)              |                 |     |    |    |

| re general behaviour:   | NSW | Vic | Qld <sup>1</sup> | SA <sup>2</sup> | ACT | NT | NZ |
|---|-----|-----|------------------|-----------------|-----|----|----|
| be of good behaviour/not offend                               | y*  | y*  | y                |                 | y*  | y* |    |
| not associate with specific persons as directed               | y*  | y*  |                  |                 | y*  | y* | y  |
| obtain permission before driving a motor vehicle <sup>4</sup> |     |     | y                |                 |     |    |    |

|   |     |     |                  |                 |     |    |    |
|---|-----|-----|------------------|-----------------|-----|----|----|
| not disturb or interfere with any other person residing on the specified premises   |     |     |                  |                 |     | y* |    |
| not take preparatory steps to breach or evidence intention to breach  |     |     | y                |                 |     |    |    |
| comply with any restitution or compensation order offender is subject to  |     | y*  |                  |                 |     |    |    |
| <hr/>   |     |     |                  |                 |     |    |    |
| <b>re supervision:</b>  | NSW | Vic | Qld <sup>1</sup> | SA <sup>2</sup> | ACT | NT | NZ |
| comply with all reasonable directions/lawful instructions of supervising officer  | y*  | y*  | y                | y               | y*  | y* | y* |
| accept/allow any visit to the approved residence by a supervisor at any time  | y*  | y*  | y                |                 | y*  | y* | y* |
| submit to searches of places or things under his/her immediate control as directed  | y*  | y*  |                  |                 |     |    |    |
| keep copy of order/licence in his/her possession and produce for inspection if required   |     |     | y*               |                 |     |    | y* |
| advise supervising officer as soon as possible if arrested or detained by a police office   | y*  | y*  |                  |                 | y*  |    |    |
| not threaten, insult or use abusive language to a surveillance officer  |     |     |                  |                 |     | y* |    |
| not in any way obstruct an authorised surveillance officer from entering, conducting a search as permitted by the Act, or inspecting any monitoring equipment |     |     |                  |                 |     | y* |    |

\* explicitly prescribed by legislation (Act or Regulation)

( ) bracketed conditions relate to the Queensland electronic monitoring trial and refer to matters listed in the participant agreement which was signed by the offender and corrective services officer.

<sup>1</sup> Qld: although not explicitly identified as a core condition under legislation, there is a general provision stating that the offender may leave the home only to comply with conditions of orders, to attend necessities of life, eg, to buy food or collect social security benefits, to seek or engage in approved employment, to engage in approved activity, eg, a rehabilitation program, to prevent or minimise serious risk or injury to self or others, to receive medical or health treatment, or for any other approved purpose; standard conditions are established in gazetted Form 31.

<sup>2</sup> SA: For back-end HD, the Home Detention Release Order, which the prisoner must sign, includes all of the conditions that the home detainee must observe including not being permitted to: leave the residence without approval; use drugs which are not medically prescribed, drink alcohol or enter licensed premises or gamble; associate with ex-offenders without the approval of the Community Corrections Officer (CCO); possess or have in his/her custody or control any firearm; or drive a motor vehicle or motor cycle without the approval of the CCO, even if they hold a valid licence. For court-ordered HD, the HD report identifies two standard conditions (specified residence requirement including circumstances under which the detainee may be absent from the specified residence and obeying lawful directions of the supervising CCO) with opportunity to recommend to the court imposition

of other order conditions, such as electronic monitoring, restrictions on drug and alcohol use and testing, etc).

<sup>3</sup> NT: the condition allows for the Director to approve this activity/use.

<sup>4</sup> Qld: HD prisoners must apply to Area Manager for approval to drive a vehicle; criteria when considering the approval: community risk, applicant's traffic history, whether alternate public transport is available, applicant's institutional behaviour, applicant's current response to community supervision; authorised officer may revoke permit to drive if deviation from authorised permit, unauthorised deviations in the journey not permitted.

## Restrictions on length of orders

The empirical research shows a relationship between length of order and completion rates in some studies, although this correlation is generally interpreted as resulting from the greater opportunity for breach to occur with longer time being served on orders. No relevant critical success factors and good practice standards were identified. One review of electronic monitoring specifically noted that there was no evidence to support perceptions held among some practitioners that the maximum effective length of electronic monitoring orders was 4 months.

### *Comparison:*

Jurisdictions vary in whether there is an explicit maximum length of order that can be made.

### Maximum length of orders

|                 | front-end      | back-end   |
|-----------------|----------------|--|
| NSW             | 18 months      | not applicable   |
| Vic             | 12 months      | not explicitly stated but criteria require prisoner to be eligible for release/parole in 6 months or less                      |
| Qld             | not applicable | no maximum length specified (although maximum of 4 months generally applied in practice)                                       |
| SA              | not specified  | not explicitly stated but eligibility criteria specify home detention release no earlier than one year prior to release/parole |
| ACT             | 18 months      | not applicable   |
| NT              | 12 months      | not applicable   |
| NZ <sup>1</sup> | not specified  | not specified  |

<sup>1</sup> NZ: offenders sentenced to two years or less must be released from imprisonment at half the sentence served, and so would serve a maximum of 12 months; for offenders sentenced to more than two years, the Board decides the length of the Home Detention order, and while there are no formal restriction on order length, in practice orders are generally under 12 months duration.

## Information provision

Provision of information to offenders and co-residents about program obligations and conditions, requirements of the specific order, and consequences of non-compliance is a consistently identified critical success factor in both the Australian and international evaluation literature. Providing information to offenders and co-residents from the very start of the process was also identified as a critical success factor for successful program outcome by two program managers. Making information about the program available to other groups such as the judiciary, treatment agencies and employers as well as the general public is also cited in some studies.

### *Comparison:*

Jurisdictions vary in the extent to which program-specific information is publicly available and in the timing of information provision to offenders and co-residents about the program generally and the order specifically. They also differ in whether any requirements to provide information are legislatively prescribed or established through policy and practice. In NSW and the ACT, legislation requires the court to explain (or ensure all reasonable steps are taken to explain) the obligations of the order and consequences of non-compliance. Although not a legislatively prescribed requirement, other jurisdictions detail the information and point in time at which offenders and co-residents must be provided with particular information in policy documentation (eg, Vic and NZ). Some jurisdictions do not establish information provision requirements in policy and procedures documentation, although, based on information provided in consultations with individual jurisdictions, this occurs in practice.

Some jurisdictions have produced information about the program for the general public (Vic, Qld, ACT and NZ) which is available on the corrective services website of two jurisdictions (Vic and NZ).

### Information provision and availability

|     | relevant information to offender  | relevant information to co-residents   | public program information  |
|-----|---|--|---|
| NSW | court must ensure that all reasonable steps are taken to explain obligations and consequences of non-compliance to offender*  | co-residents made aware of program rigour, conditions and impacts  | brief HD description within intensive supervision overview                    |
| Vic | information package <sup>1</sup> provided to each offender at induction (which must be completed on the first day of the order and is conducted at the offender's place of residence), with preliminary information provided at assessment; includes assessing officer to indicate to the offender that there are some definite | information package <sup>1</sup> provided to co-residents<br><br>the induction process on the first day of the order includes an invitation to the co- | Q&A sheet published on website, Adult Parole Board HD guide available on-line |

|     |  |  |   |
|-----|--|--|---|
|     | <p>advantages and some perceived inconveniences to participation</p> <p>at induction officer to fully explain the mechanics and operation of the monitoring unit and device as they relate to the offender, the curfew expectations and consequences of being late</p>   | <p>residents to attend those parts of the discussions that impact upon them in their status as a co-resident</p>   |   |
| Qld | <p>explanation provided at assessment; prisoners have access to booklet and group information session on how to apply for post-prison community-based release which includes home detention; during EM trial, written information and video shown</p> <p>if electronic monitoring, Chief Executive must ensure the prisoner is told how the device operates and is instructed not to wilfully damage, destroy, remove or otherwise interfere with it</p>   | <p>explanation of order conditions and impact on household provided at home assessment; fact sheet provided to sponsors</p> <p>during electronic monitoring trial, written information and video shown</p> | <p>HD information brochure published on website</p>   |
| SA  | <p>at first assessment interview, prisoner is provided with forms detailing specific information about HD and the rules of electronic monitoring</p>   | <p>at assessment, explanation of what can be expected if the applicant is released on to HD; provided with information sheet</p>   | <p>HD program information published on website</p>  |
| ACT | <p>court must explain obligations and consequences of non-compliance*; HD Officer must ensure that the conditions of the HD order are made clear to the detainee; rules for electronic monitoring to be signed and retained by detainee</p>  | <p>HD Officer must ensure that the conditions of the HD order are made clear to co residents and relevant others</p>   | <p>HD information brochures</p>   |
| NT  | <p>information sheet on terms and conditions of order provided at assessment</p>   | <p>information sheet on terms and conditions of order, verbal discussion including explanation of potential difficulties at assessment home visit</p>  | <p>brief overview of HD published on web</p>  |
| NZ  | <p>first induction meeting (on the day of release from prison to HD) includes ensuring offender understanding of the process to date and provides essential information to allow the offender to settle into the HD regime; second meeting (within two days of the first) ensures the offender and relevant occupants have a clear understanding of the philosophy behind HD, the role that each person plays, the processes involved throughout the term, consequences of non-compliance, and clarifies any</p> | <p>see second meeting details at left</p>  | <p>HD fact sheet published on website; policy and procedures manual is published on the website</p> |

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outstanding issues with the offender and family/relevant occupants, especially with regard to rights and expectations; third meeting (between offender and officer, held within two days of the second) ensures understanding of the broader issues relating to the offender's term

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\* explicitly prescribed by legislation

<sup>1</sup> Victorian information package content: Home Detention Program overview; a written document explaining the core conditions to which the offender will be subject; information pertaining to the Privacy Commissioner and Information Privacy Issues; information pertaining to the Ombudsman; Consent and Withdrawal of consent information; Electronic Monitoring Information sheet; Contact details of the Home Detention Unit staff; details of the local government or community agencies that will be able to provide personal support or practical help in the event of, local Community Health Centres, and emergency contact numbers should the offender or any co-resident encounter difficulties during the period of the order; Withdrawal of consent form; Participant Identification Card; and supplementary information from the case manager on any services or contact names and numbers that are specific to the individual offender.

## Case planning and case management

Individual case planning that matches assessed risks/needs to services and case management of detainees which provides appropriate levels and types of support to address those risks/needs, are consistently documented as good practice in the international research and practice literature. However, although no specific features unique to the management of home detainees were cited, with the possible exception of support being provided to families of detainees in their role as co-residents (cited in one report).

Several case managers identified case management practices as critical success factors for successful HD programs, including: an intensive case management approach combining monitoring/supervision with guidance/counselling; an effective case management approach based on one to one personal contact; and ensuring 'a constructive day' through work or other activities. Another noted the importance of consistent policy and practice so that everyone is aware of expected standards and boundaries.

### *Comparison:*

All jurisdictions engage in a case planning approach that is documented in policy and procedures documentation, although jurisdictions vary in the extent to which explicit policies and procedures applicable to HD detainees are separately documented or are governed by non-specific case management policies and procedures generally applicable to all offenders on community based supervision (see later section on program administration).

While all jurisdictions apply a case management approach under which the offender's assessed needs are addressed through participation in specified programs or approved activities, there is some variation in the timing of case planning commencement and review. In NSW, policy documents state that objectives and case plan should be developed at the same time as the suitability assessment report is being prepared for court (which is prior to the HD order being made). In Victoria and NZ this occurs during induction (which occurs on the first day and during the first week of the order respectively), and in SA the case plan must be completed within two weeks of prison release. Jurisdictions also vary in the extent to which policy documentation makes explicit the core matters to be covered in the case plan (see table below).

There is substantial variation in case plan review timing and processes (see second table below). In some jurisdictions there are regular scheduled reviews (eg, monthly in Victoria and 6 monthly in SA).

### Features of case planning for persons on HD

|                  | point at which planning process commences   | core matters covered in plan   |
|------------------|---|--|
| NSW <sup>1</sup> | objectives and case plan should be developed at the same time as the suitability assessment for court | <ul style="list-style-type: none"> <li>• risk factor identification (using LSI-R)</li> <li>• targets</li> <li>• time frames</li> <li>• outcomes</li> </ul> |

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|                 |  |  |
|-----------------|--|--|
|                 |  | <ul style="list-style-type: none"> <li>• responsibility</li> <li>• review date</li> </ul>  |
| Vic             | Offender Management Plan (OMP) initiated during the induction, which must be completed on the first day of the order   | <ul style="list-style-type: none"> <li>• all the goals required to be achieved during the order, the strategies to address these goals and imposition of timelines to ensure that the agreed activities address the offending behaviour</li> <li>• strategies to be utilised to fulfil any other orders of compliance in terms of compensation or restitution orders issued by the court</li> <li>• requirement for and frequency of home visits and schedule of other contacts</li> </ul>   |
| Qld             | initial case management plan done within 21 days of entering custody, reviewed prior to release to HD  | <ul style="list-style-type: none"> <li>• surveillance schedule</li> <li>• summary of any additional requirements and risk factors</li> <li>• strategies and actions to be implemented in relation to these requirements/risk factors</li> <li>• schedule of periodic case reviews</li> </ul>   |
| SA              | HD Management Plan process commences at intake (generally conducted at residence), each detainee to have a case plan within two weeks of release from prison   | <ul style="list-style-type: none"> <li>• conditions of release/order</li> <li>• structured day activities</li> <li>• risk factors</li> <li>• special needs</li> <li>• program referrals</li> <li>• referral outcomes</li> <li>• goals</li> <li>• review date</li> </ul>  |
| ACT             | preliminary case plan included in the assessment report; documented case plan developed within 5 working days of induction, HD Unit Case Managers responsible for actively case managing each detainee immediately following the handing down of a HD order by the Court | <ul style="list-style-type: none"> <li>• details of the detainee's assessed risk factors and criminogenic needs;</li> <li>▪ objectives for the Home Detention period;</li> <li>▪ specific intervention steps required to achieve the objectives;</li> <li>▪ specific intervention steps required to monitor the compliance with the HD order conditions or any additional conditions set by the Court;</li> <li>▪ details of proposed reparation;</li> <li>▪ time frames for the intervention steps;</li> <li>▪ recommended supervision category (high, medium, and low needs);</li> <li>▪ review of the case plan by the HD Unit Manager and review date for the case plan</li> </ul> |
| NT <sup>2</sup> | Client Profile and written Case Plan should be finalised within 6 weeks of first client contact  | goals, objectives, tasks, timeframes and responsibility for the task, based on client profile action/priority target areas and target issues/strengths   |
| NZ              | Sentence Plan commenced at third meeting after release (see information provision section above)   | <ul style="list-style-type: none"> <li>• reporting requirements</li> <li>• problems/issues relating to offending</li> <li>• objectives</li> <li>• strategies for achieving objectives and meeting</li> </ul>   |

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sentence conditions

- activities (specifying scheduled activities to be undertaken to achieve objectives and meet sentence conditions)
  - responsibility (in relation to the roles of the offender and the Probation Officer in each activity)
  - contingency plan to assist the offender to achieve successful completion, including Reintegrative Needs Assessment
- 

<sup>1</sup> NSW: taken from Probation and Parole Policy and Procedures Manual, not detailed in specific HD policy.

<sup>2</sup> NT: taken from generic Case Management policy, not detailed in specific HD policy.

### Case review for persons on HD

|                 | features  | frequency  | responsibility   |
|-----------------|---|--|--|
| NSW             | no scheduled formal review of overall case management plan but case progress is assessed weekly   | weekly case progress assessment  | Home Detention Unit team   |
| Vic             | regular scheduled review of Offender Management Plan  | fortnightly  | Home Detention Manager with the case manager   |
| Qld             | case reviews occur on a regular schedule throughout the sentence and at event-driven points, eg, entry to HD or parole  | 6 monthly intervals throughout the sentence  | review team consisting of minimum of supervising officer and Area Manager/ Team Leader |
| SA              | case discussion on: progress and compliance with the management plan, referral progress/outcomes, any other existing supervision, any change to supervision level, approved passes/nonessential passes, variations, disciplinary action and formal breaches, and any other matters requiring discussion or review | monthly  | Manager Case Management and Home Detention Case Manager                                |
| ACT             | should include discussion of: progress and compliance with the case plan objectives; re-assessment of the level of supervision; individual requests; approved passes; variation to schedules etc, disciplinary matters; and other matters requiring review  | no less than fortnightly for category 'A' detainees, monthly for category 'B', and six weekly for category 'C' | conducted by Case manager and Home Detention Unit Manager                              |
| NT <sup>1</sup> | purpose of file reviews: to   | case file reviews  | conducted by peers at the  |

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|    |  |   |   |
|----|--|---|---|
|    | make sure all order conditions are being followed up; procedures are being followed and breach action taken when it should be; provide a "fresh" point of view; provide suggestions and advice on other things to try/services to refer to; and provide some back up and support | every 3 months for new officers (of up to 12 months NT experience) and every 6 months for experienced officers                      | same level or above as determined by the relevant Manager or Assistant Director |
| NZ | a review of the management regime is conducted for all home detainees excluding pre-parole detainees, sex offenders, Offender Warning System (OWS) offenders, and those with a victim registered with the Victim Notification Register   | within four-six weeks of the commencement of the order; three-monthly or event-driven reviews of progress against the Sentence Plan | case officer  |

<sup>1</sup> NT: taken from generic Case Management policy, not detailed in specific HD policy.

## Surveillance/monitoring

Relevant critical success factors and good practice standards identified in the international research and practice literature include: reliable and robust monitoring equipment ensuring proper coverage with minimal faults and false alarms; random rather than fixed contact schedules especially for high-risk offenders; active not just passive monitoring systems; a multi-faceted surveillance regime of face-to-face supervision for compliance with case management plans and electronic monitoring for 24-hour surveillance (in one Australian evaluation); effective and flexible systems for changing specific activity monitoring information; and immediate and severe sanctions for tampering with monitoring equipment.

One jurisdiction's program manager cited corrective service officers maintaining full control over equipment and responsibility for monitoring (rather than contracting to an external service provider) as a critical success factor for successful program outcome. Another cited the importance of personal contact over purely electronic monitoring, providing opportunity for personal interaction between case officer and detainee. The importance of a very good relationship with the monitoring company was considered a critical success factor in a third jurisdiction.

Relevant guidelines in the *Standard Guidelines for Corrections in Australia (2004)* include: level of surveillance commensurate with assessed risk level and minimum level needed for compliance; a monitoring regime that is minimally intrusive for cohabitants and that takes account of their physical safety and wellbeing; and electronic monitoring devices being as unobtrusive as practical and robust against false signalling of violations (s.2.3 - 2.5, Containment, Community Corrections).

### *Comparison:*

Jurisdictions vary in the specific features of the schemes used to monitor detainees (see table below), in whether electronic monitoring is routinely applied (see following table in this section), and in whether corrective service officers or contractors are responsible for monitoring offenders. In NSW, Victoria, Queensland, SA and the ACT, community corrections officers are responsible for monitoring and surveillance. In the NT, casual employees of the department are gazetted to undertake this role, other than breach action where statutory Probation and Parole Officers are responsible. In NZ a contracted company is responsible for the electronic monitoring component.

In relation to monitoring frequency, jurisdictions generally operate a graduated scheme of 3 to 4 stages, with reporting frequency for each stage determined in policy and procedural documents, although the number of stages/phases and the timing and conditions for moving between these stages varies across jurisdictions (see second table below for a detailed description based on jurisdictional policy and procedures documentation and the third table in this section for a summary of only the minimum contact standards per monitoring scheme stage calculated to a common time period across jurisdictions).

In relation to electronic monitoring, it is used in NSW, Victoria, SA, ACT, and NZ. Queensland also operated electronic monitoring for a time-limited trial period between 2000-02. NT uses a modified electronic system in the form of an electronic device worn by the detainee, but its purpose is to record face-to-face

contacts between Surveillance Officers and detainees rather than provide an electronic means for determining a detainee's whereabouts. Jurisdictions vary in the extent to which detainees are subject to electronic monitoring (see final table in this section).

### Monitoring methods and responsibility

|                  | methods  | responsibility  |
|------------------|--|---|
| NSW              | <ul style="list-style-type: none"> <li>• electronic monitoring</li> <li>• random home visits</li> <li>• random calls to home</li> <li>• regular random urine and breath test</li> <li>• work checks</li> <li>• CSO attendance checks</li> <li>• program attendance checks</li> <li>• verifying time out locations via form or phone call</li> </ul>  | Probation and Parole Officers                                     |
| Vic <sup>1</sup> | <ul style="list-style-type: none"> <li>• continuous electronic monitoring</li> <li>• home visits</li> <li>• drive-by monitoring when attending approved programs or employment</li> <li>• random phone calls to the home and to places of employment or other location that the detainee has been approved to attend</li> <li>• substance testing</li> </ul>   | Home Detention Officers   |
| Qld              | <ul style="list-style-type: none"> <li>• home visits</li> <li>• random phone calls to the home</li> <li>• phone or physical check of other place (eg, workplace)</li> <li>• electronic monitoring (time-limited trial only)</li> <li>• random urinalysis and breath testing</li> <li>• prescribed prisoner, ie, serving sentence for sexual offence against child must report to police station within 48 hrs of release on HD and report to police as required (CS supervising officer advises police of reporting requirements)</li> </ul> | Community Corrections Officers<br>casual HD surveillance officers |
| SA               | <ul style="list-style-type: none"> <li>• electronic monitoring</li> <li>• face-to-face contacts</li> <li>• random calls to the home</li> <li>• visual checks to confirm location</li> <li>• calls or visits to a location where attendance has been approved</li> </ul>  | Corrections Officers  |
| ACT              | <ul style="list-style-type: none"> <li>• electronic monitoring</li> <li>• face-to-face contacts</li> <li>• phone calls</li> </ul>  | Corrections Officers  |
| NT               | <ul style="list-style-type: none"> <li>• face-to-face contact</li> <li>• random residence, work, education or other location checks</li> </ul>   | HD surveillance officers (casual employees) <sup>2</sup> ,        |

|    |   |  |
|----|---|--|
|    | <ul style="list-style-type: none"> <li>• random phone calls</li> </ul>  | Probation and Parole Officers  |
| NZ | <ul style="list-style-type: none"> <li>• electronic monitoring</li> <li>• face-to-face home visits</li> <li>• office visits</li> <li>• phone calls</li> </ul> | contracted company (Chubb New Zealand Limited) and Probation Officers <sup>3</sup> |

<sup>1</sup> may also include installation of electronic monitoring equipment in workplaces where circumstances allow and verification forms for signing on and off approved activities.

<sup>2</sup> NT: however, all breach actions are taken by statutory Probation and Parole Officers.

<sup>3</sup> NZ: HD is managed by the Community Probation Service in partnership with Chubb New Zealand Limited, which provides the electronic, and security monitoring services including manual surveillance services, setting up and maintaining equipment, electronic monitoring, responding to all alarms, ancillary services as requested (eg, completing affidavits, giving evidence), and other miscellaneous services such as loosening the anklet and pre-installation checks; both Probation Officers and monitoring company officers may do home and work visits.

### Monitoring regime and frequency

| monitoring regime and authority to vary  | frequency of monitoring (minimum contact standard)   |
|--|--|
| <p>NSW</p> <ul style="list-style-type: none"> <li>• 4-stage process of decreasing intensity, with detainees sentenced to under 3 months commencing at stage 2</li> <li>• offenders may be returned to earlier stage on program infringement</li> <li>• authority to vary: HD team</li> </ul> | <ul style="list-style-type: none"> <li>• stage 1: 20 minimum contacts per month averaging 5 per week with 10 face to face &amp; 10 other (ie, by phone or with employers or family or counsellors etc) and 8 of the face to face being at home with 2 at weekends and 2 between 7pm and 7am</li> <li>• stage 2: minimum 20 contacts with 8 face to face and the same weekend &amp; overnight number as stage 1</li> <li>• stage 3: 16 contacts per month with minimum 6 face to face of which 4 are home and one weekend and one overnight as stage 1</li> <li>• stage 4 : 12 contacts with 4 face to face of which 2 are home and one each weekend and overnight)</li> <li>• officer can direct detainee to report to them at district offices which counts as a mandatory face to face contact</li> <li>• frequent (at minimum every 2nd or 3rd day in initial stages) for offenders with drug abuse history</li> <li>• officers to contact employer at least monthly &amp; routinely inspect pay slips at normal pay intervals, verify vocational training or counselling or other prescribed activity at least monthly, &amp; verify attendance at job interviews if unemployed</li> </ul> |

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|                 |  |   |
|-----------------|--|---|
| Vic             | <ul style="list-style-type: none"> <li>• 3 phases of graduated intensity</li> <li>• movement from phase 1 to 2 requirements: minimum of two weeks detention completed, OMP commenced and complied with, no minor breaches; from 2 to 3: no minor breaches for a minimum of one month since transition to Phase Two, all strategies and goals of Offender Management Plan on target or completed</li> <li>• authority to vary: Manager</li> </ul>                         | <ul style="list-style-type: none"> <li>• phase 1: 5 contacts per week with maximum of 1 contact per day, 2 contacts must be face to face one of which must occur on a weekend day, 1 contact must be between the hours of 5.30 pm - 7.30 am; minimum 1 urine/breath test per week (with offenders with a drug or alcohol abuse history to remain on this testing frequency regardless of monitoring phase)</li> <li>• phase 2: 3 contacts per week with maximum of 1 contact per day, 1 contact must be face to face, 1 contact must occur on a weekend day and one must be between the hours of 5.30 pm - 7.30 am; minimum 1 urine/breath test per fortnight</li> <li>• phase 3: 3 contacts per fortnight with maximum of 1 contact per day, 1 contact must be face to face, 1 contact must occur on a weekend day and one must be between the hours of 5.30 pm - 7.30 am; random testing regime of minimum 1 urine/breath test per month</li> </ul> |
| Qld             | <ul style="list-style-type: none"> <li>• intensive or standard surveillance</li> <li>• surveillance levels and case management practices may be varied at discretion of Area Manager (decrease in standard surveillance level requires Regional Director approval); agreed level &amp; process for surveillance to be established by Area Manager in consultation with Regional Director in case of Aboriginal community/isolated community/isolated offender</li> </ul> | <ul style="list-style-type: none"> <li>• intensive: 1 personal (ie, direct contact between offender and supervisor), 2 home visits, and 4 phone checks (or 4 home visits if no phone) per week, 1 phone or physical workplace/social check per fortnight</li> <li>• standard: 1 personal, 1 home visit, and 3 phone contacts (or 3 home visits if no phone) per week, 1 workplace/social phone/physical check per fortnight</li> <li>• during EM trial period for EM detainees: in first month, 12 personal contacts per month including 4 office visits and 4 collateral (ie, in person or phone contacts with other persons, eg, employer, counsellor, family member, Centrelink office, doctor used to verify offender approved activities), subsequent months 8 personal including 4 office visits &amp; 4 collateral visits</li> </ul>   |
| SA <sup>1</sup> | <ul style="list-style-type: none"> <li>• 4 levels of supervision for metropolitan and country areas and separate regime for remote and isolated areas</li> <li>• an offender can commence HD at level 1 or 2 with Prisoner Assessment Unit determining initial level for back-end detainees</li> </ul>   | <ul style="list-style-type: none"> <li>• Level 1 Metropolitan: per 28 days, minimum of 4 face to face contacts at residence, 2 face to face/telephone contact at another approved location, and daily telephone contacts initiated by Officer/ or daily check/face to face/telephone/computer if EM</li> <li>• Level 1 Country: per 28 days, minimum of 4 face to face contacts, 2 at</li> </ul>  |

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|  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• Manager, Case Management must approve any changes to level of supervision for back-end detainees</li> <li>• for front-end detainees, court determines level and length of supervision which cannot be changed without court approval unless authority has been specifically granted to the Community Corrections Officer in the conditions</li> </ul>   | <p>residence, daily telephone/computer contact, 2 face to face/telephone contact at another approved residence</p> <ul style="list-style-type: none"> <li>• Level 2 Metropolitan &amp; country: per 28 days, Metropolitan &amp; country: minimum of 12 telephone checks, 4 face to face contacts, 2 face to face/telephone contact at another approved location</li> <li>• Level 3 Metropolitan &amp; country: per 28 days, minimum of 8 telephone checks, 2 face to face contacts, 2 face to face/telephone contact at another approved location</li> <li>• Level 4 Metropolitan &amp; country: per 28 days, minimum of 4 face to face contact at office/residence, 4 telephone contacts outside office hours negotiated by the assigned case manager with the home detention on call case manager</li> <li>• Remote (ie, more than 60 minutes from CC centre): per 28 days, minimum of 2 face to face contacts, 20 telephone/ contacts, 16 contacts utilising a message recording system if no EMSSA monitoring and 2, 12, and 10 respectively if EMSSA</li> <li>• Isolated: per 28 days, minimum of 20 telephone contacts and 16 contacts utilising a 1800 telephone number at a verifiable source</li> <li>• CCOs must review computer calls on a weekly basis, calls should be random (over the broadest span of time possible), and varied rather than a fixed number (eg, a range of calls, eg, 1-2, 1-3, or 2-4)</li> </ul> |
| <p>ACT</p> <ul style="list-style-type: none"> <li>• 3 level regime: intensive, medium and minimum</li> <li>• level of supervision must be in accordance with conditions ordered by the court</li> <li>• all detainees entering the home detention program must be supervised at level one for the first week following induction</li> <li>• Home Detention Manager must approve any changes to the level of supervision according to case reviews with the Home Detention Officer</li> </ul> | <ul style="list-style-type: none"> <li>• level 1: minimum of 3 face to face &amp; 2 phone calls per week</li> <li>• level 2 min. = 2 face to face &amp; 2 phone calls per week</li> <li>• level 3 = 1 face to face &amp; 3 phone calls per week</li> <li>• any levels of supervision must be in accordance with conditions ordered by the Court</li> </ul>  |
| <p>NT<sup>2</sup></p> <ul style="list-style-type: none"> <li>• intensive surveillance</li> <li>• can be varied at the discretion of the area manager</li> </ul>  | <ul style="list-style-type: none"> <li>• intensive: 5-10 visits per week to home, office, workplace, or other place the detainee may be</li> <li>• random phone checks if phone available</li> <li>• random visits approximately 3 per month to breath test for alcohol</li> <li>• random urinalysis checks approximately monthly</li> </ul>  |

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- NZ
- three phase regime, with initial placement allocated in accordance with RoC:RoI and Regime Assessment scores (except for pre-parole detainees, those on the Offender Warning System, or with any current or previous convictions for sexual related offending, or with victims on the Victim Notification Register, all of who are allocated into and remain on MR3 throughout the order)
  - requirements to move between phase 1 to 2: completed half the order, making progress in accordance with the Sentence Plan and compliant with all aspects of the order for a minimum of four weeks; phase 2 to 3: completed third quarter of the order, made significant progress in relation to the Sentence Plan and compliant with all aspects of the order; if offenders do not progress due to non-compliance they remain on the current phase for a further 4 weeks, if continue to be non-compliant, enforcement action is considered; if the order is for longer than 6 months, the officer can progress the offender to the next phase before offender is eligible if complying with all aspects of the order for a minimum of 4 weeks, has made significant progress in relation to the Sentence Plan, and the Service Manager has approved the progression
  - Probation Officer has discretion to place the detainee back onto an earlier phase at any time if the detainee fails to comply
- for all phases there is continuous electronic monitoring while in residence or at work where applicable and security or alternative monitoring while on approved absence
  - MR1 Phase 1: 1 visit and 1 phone call per week
  - MR1 Phase 2: alternating home and office visits weekly
  - Phase 1 MR3: 3 visits per week
  - Phase 1 MR2: 2 visits per week
  - Phase 1 MR1: 1 visit and 1 phone call per week
  - Phase 2 MR1: 2 visits per week
  - Phase 2 MR2: 1 visit per week
  - Phase 2 MR3: 1 visit per week alternating home and CPS office
  - Phase 3 MR1: 1 visit per week
  - Phase 3 MR2: 1 visit per week
  - Phase 3 MR3: 1 visit per week alternating home and CPS office

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<sup>1</sup> SA: as of March 2002 when revised standards were introduced.

<sup>2</sup> NT: taken from NT's general offender case management policy, which is a separate but cross-referenced document in the HD policy document.

The detailed information above is summarised in the table below for those jurisdictions operating a 3 or 4 multi-staged system governing minimum contact standards, presented on a common basis of monthly reporting frequency and in descending order of intensity.

## Minimum contact frequency per stage, calculated per month\*

| stage/phase     | NSW   | Vic   | SA <sup>1</sup> | ACT   | NZ <sup>2</sup>                         |
|-----------------|-------|-------|-----------------|-------|---|
| most intensive  | 1: 20 | 1: 20 | 1: daily        | 1: 20 | 1 (MR3): 12<br>1 (MR2): 8<br>1 (MR1): 8 |
|                 | 2: 20 | 2: 12 | 2: 18           | 2: 16 | 2 (MR3): 8<br>2 (MR1 & 2): 4            |
|                 | 3: 16 | 3: 6  | 3: 12           | 3: 12 | 3 (MR1-3): 4                            |
| least intensive | 4: 12 |       | 4: 8            |       |   |

\*NT operates an urban/rural system not a stage-determined regime.

<sup>1</sup> SA metropolitan and country areas only, separate regime for remote and isolated areas.

<sup>2</sup> NZ operates a phased system within each of the three management regimes (MR) to which the detainee is initially allocated; all phases include continuous electronic monitoring.

## Application of electronic monitoring

|     | mandatory requirement or circumstances if non-mandatory   |
|-----|---|
| NSW | routinely fitted unless in residential rehabilitation or Director has approved removal in special circumstances   |
| Vic | all detainees are electronically monitored for the duration of the order (applies whether front-end or back-end program)  |
| Qld | introduced on a time-limited trial basis only, operating between October 2000 and December 2002 <sup>1</sup> for prisoners meeting specific criteria (see footnote below)   |
| SA  | at direction of Prisoner Assessment Committee when determining conditions of a back end order, Case Manager has discretion to remove based on detainee progress on monitoring regime stage; court may order as a condition of a front end order |
| ACT | continuous monitoring of all offenders with some circumstance exceptions (eg, an offender spending a limited amount of time in the territory prior to transfer to an interstate residential rehabilitation unit)                                |
| NT  | nil   |
| NZ  | all detainees are electronically monitored for the whole period of the order  |

<sup>1</sup> Qld: eligibility criteria: prisoner must be eligible to apply for a post-prison community based release order, must be Low or Open security classification (prisoner with a Medium security classification may only be considered if not serving a sentence for a violent or sexual offence); proposed residence must be within the areas covered by the Central, Southern or Metropolitan area offices; must be a participating community corrections board requesting the assessment; prisoner must not have been convicted within the last five years of an offence against any other resident at the proposed accommodation; must be no current domestic violence or child protection orders in place relating to the prisoner and any proposed co-resident; criteria upon which a community corrections board will identify a prisoner to participate in the electronic monitoring trial program: for a prisoner serving a sentence for a non-violent or non-sexual offence as defined in the Offence Severity Scale,

the prisoner must have been assessed as unsuitable for immediate parole release, however, diversion from custody can be considered with the additional protection provided by electronic monitoring; for a prisoner serving a sentence for a violent or sexual offence as defined in the Offence Severity Scale, the prisoner must be assessed as being suitable for community release independent of electronic monitoring, however, to ensure community safety, electronic monitoring can be imposed to provide the highest degree of surveillance possible.

#### Features of electronic monitoring schemes

|     | equipment   | timing of installation  | monitoring responsibility  |
|-----|---|---|--|
| NSW | passive monitoring  | installation on day of release or else within 24 hrs  | supervising officer  |
| Vic | static monitoring system  | at induction which occurs on day of release   | Home Detention Unit officers   |
| Qld | na (time limited trial only ending 2002 applied active monitoring from unit in detainee's residence)  | na (time limited trial only ending 2002)  | na (time limited trial only ending 2002)   |
| SA  | active monitoring system for past 5 years (previously passive monitoring)   | on day of release (or next working day in some country regions)   | Home Detention Unit officers in metropolitan area and after-hours in country areas |
| ACT | active monitoring through fixed unit most commonly placed in the residence, with mobile receiver units used to check that the location of a detainee is consistent with the approved schedule of movement   | Officer accompanies the person from the court to the approved residence where the officer then installs the equipment | supervising officer  |
| NT  | na  | na  | na   |
| NZ  | active electronic monitoring at the residence and work location for all detainees for period of the order, with security or alternative monitoring while on approved absence (eg, manual monitoring where a security guard uses an electronic mobile receiver to pick up the signal from an offender's bracelet at a distance of up to 30 metres) | at first induction meeting on day of release  | contracted monitoring company (including responding to alarms)                     |

## Disciplinary action and order revocation

Relevant critical success factors and good practice standards identified in the literature include graduated responses to reward compliance and penalise non-compliance with critical success factors for graduated sanctions given as certainty; celerity (swift response); consistency; parsimony (least level to achieve desired result); proportionality; progressiveness (continued non-compliance results in increasingly severe sanction); neutrality (objective and impartial); certainty of response (all violations receiving a response of some kind, whether immediately applied or not); and a clearly understood and consistently applied process for dealing with non-compliance.

### *Comparison:*

HD orders may be revoked for a range of reasons in all jurisdictions, eg, breach of conditions, reoffending (in some jurisdictions identified separately as a revocation circumstance while in others reoffending is covered under breach of conditions), withdrawal of consent (whether by offender or co-resident), as well as for other jurisdiction-specific reasons. A range of penalties for non-compliance other than revocation of the order (eg, formal warnings, more stringent application of conditions, variation of conditions, etc) is available across jurisdictions although there is jurisdictional variation in whether there is discretion for corrective services officers to impose these penalties or whether this is the province of the issuing authority or other decision-making body (ie, court or Parole Board).

### Circumstances under which HD orders may be revoked

|     | breach of conditions  | reoffending#   | consent withdrawal  | other   |
|-----|---|--|---|---|
| NSW | Board is satisfied of failure to comply with order obligations* |  | on offender application, on withdrawal of consent by household*   | offender fails to appear before Board when called*  |
| Vic | on breach of conditions heard by Board* <sup>1</sup>            | by court on imposing another sentence*   | upon withdrawal of consent by offender*   | on application by offender or by department because an approved residence is no longer available*   |
| Qld | failure to comply with order*                                   | automatic upon sentence to imprisonment for another offence committed during the term of the order except if sentence is for fine default or restitution or if | (not explicitly stated in policy or procedures documentation but offender refusal to order could occur in practice) | <ul style="list-style-type: none"> <li>• if poses serious and immediate risk of harm to self or others*</li> <li>• if poses an unacceptable risk of committing an offence*</li> <li>• if preparing to leave Qld other than under written approval to travel*</li> </ul> |

|     |  |   |   |  |
|-----|--|---|---|--|
|     |  | <p>sentence is required to be served under an intensive supervision order or as suspended sentence*</p>         |   | <ul style="list-style-type: none"> <li>• if Board receives information that, if it had been received before the order was made, would have resulted in the order not being made*</li> </ul>  |
| SA  | breach of conditions*  |   | <p>detainee or co-resident may apply to court for order revocation for court-ordered HD</p> | <p>Chief Executive Officer has absolute discretion to revoke for any reason* if there are significant changes in plans after release (eg, loss of employment) the home detainee may be returned to prison pending a decision by the Prisoner Assessment Committee</p>  |
| ACT | if court is satisfied there is a breach of order conditions* |   | <p>if offender withdraws consent*</p>   | <ul style="list-style-type: none"> <li>• if court is satisfied the order is inappropriate because of change in the person's circumstances*</li> <li>• if court is satisfied that continuation may cause harm to anyone*</li> </ul>   |
| NT  | breach of conditions of order*                               | <p>if commits an offence against a law in force in the Territory or elsewhere during the term of the order*</p> | <p>offender can apply to court for revocation</p>   | <p>on application from Director*</p>   |
| NZ  | breach of conditions*  | <p>if commits an offence punishable by imprisonment*</p>  | <p>offender may apply to the Board to be returned to prison at any time</p>                 | <ul style="list-style-type: none"> <li>• if poses an undue risk to the safety of community or any person or class of person(s)*</li> <li>• breach of conditions*</li> <li>• if jeopardising the safety of any person at his/her residence*</li> <li>• if a suitable residence in the area where the HD scheme operating is no longer available because of changed circumstances*</li> <li>• if subject to special condition requiring attendance at a residential program, if jeopardising the safety of any person or the order or security of the</li> </ul> |

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residence or if failed to remain at the residence for duration of program or if the program ceases operation or participation is terminated for some other reason\*

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# where explicitly references separately to reoffending as a breach of core conditions.

\* explicitly prescribed by legislation.

<sup>1</sup> Victoria distinguishes between minor breaches and serious breaches (see footnotes in following tables).

### Action upon breach of HD

|     | available disciplinary action   | authority to impose  |
|-----|---|--|
| NSW | <ul style="list-style-type: none"> <li>formal warning (by supervisor)*</li> <li>more stringent application of conditions in accordance with the terms of those conditions eg, increase in required hours of community service work, a reduction in the extent of planned or previously permitted out-of-residence activities, further restrictions on association with other persons (by supervisor)*</li> <li>variation of conditions (by Board)*</li> <li>order variation (by Board)*</li> <li>revocation of order (by Board)*</li> </ul> | Parole Board*<br>supervising officer*  |
| Vic | <ul style="list-style-type: none"> <li>formal warning (by corrective services or by Board)*</li> <li>delay in moving to a less restrictive monitoring phase (by corrective services)</li> <li>more stringent application of conditions, eg, increased hours of community work (by corrective services)*</li> <li>addition or variation of special conditions (by Board)*</li> <li>revocation of order (by Board)*</li> </ul>  | Parole Board*<br>Secretary (for minor breaches)*<br>Manager HD Unit (for minor breaches) |
| Qld | <ul style="list-style-type: none"> <li>order suspension for up to 28 days (by Chief Executive of corrective services)*</li> <li>order amendment (by Board)*</li> <li>order suspension (by Board)*</li> <li>order cancellation (by Board)*</li> <li>formal warning (by Board or case officer)</li> <li>reviewing case management plan (by Chief Executive)</li> <li>changes to case management plan, eg, increased reporting frequency or testing regime (case officer)</li> </ul>   | Corrections Board*<br>Chief Executive*<br>Area Manager<br>supervising officer            |
| SA  | <ul style="list-style-type: none"> <li>reprimand (by HD case manager or Manager, Case Management)</li> <li>removal of a privilege, eg, curfew imposed, increased level of supervision, reinstatement of electronic monitoring (by HD case manager)</li> <li>return to prison (by Chief Executive Officer)</li> </ul>  | court (for front-end HD)*<br>Chief Executive Officer<br>HD case manager                  |

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|     |   |  |
|-----|---|--|
| ACT | <ul style="list-style-type: none"> <li>• initiate arrest of detainee</li> <li>• list matter at court (where minor breach but otherwise complying with order)</li> <li>• formal warning (case officer)</li> <li>• review case management strategy, eg, increased monitoring (case officer in consultation with HD Manager)</li> </ul>  | court (for order revocation)<br>HD Manager<br>case officer |
| NT  | <ul style="list-style-type: none"> <li>• order discharge*</li> <li>• order variation*</li> <li>• order revocation and confirmation of prison sentence*</li> <li>• order revocation and quashing of prison sentence and re-sentence*</li> </ul>  | court  |
| NZ  | <ul style="list-style-type: none"> <li>• regression to an earlier phase and subject to more monitoring and fewer approved absences (by Probation Officer)</li> <li>• delayed progression to the next phase for a set period of time (by Probation Officer)</li> <li>• withdrawal of approval for absences other than to attend work, training or programmes are specified on the Release Licence (by Probation Officer)</li> <li>• recall to prison (by Board)</li> <li>• imprisonment for a term not exceeding 1 year or to a fine not exceeding \$2,000 on summary conviction for order breaches or detention conditions imposed by the Board without reasonable excuse (court)*</li> </ul> | Parole Board<br>court<br>Probation Officer                 |

\* explicitly prescribed by legislation.

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level of discretion

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|     |   |
|-----|---|
| NSW | <ul style="list-style-type: none"> <li>• every breach of an HD condition must have a response; if a repeat or serious breach must refer to Board for consideration of revocation<sup>1</sup></li> <li>• breach reports to the Board must be completed immediately and submitted to the Board to arrive on first working day following the decision to breach</li> <li>• Board may continue order, impose further conditions or vary order conditions if of opinion order should not be revoked; may reinstate order on application of offender who has served at least 3 months full-time detention for a revoked order*</li> <li>• Board may revoke without hearing and issue a warrant for offender arrest (must be reviewed after arrest) or call offender to hearing to show cause</li> </ul> |
| Vic | <ul style="list-style-type: none"> <li>• flexibility for the Home Detention Manager to allow discretion in the penalties imposed for minor breaches, eg, additional unpaid community work expectations or other program requirements; all breaches of a serious nature to be referred to the Board for action<sup>2</sup></li> <li>• breach process will occur if the offender refuses any program component or does not attend without legitimate reason<sup>2</sup></li> </ul>  |
| Qld | <ul style="list-style-type: none"> <li>• in considering suspension, the Chief Executive may take into consideration whether the prisoner had reasonable excuse, the prisoner's offence, general conduct, response to community supervision, and psychological state</li> <li>• Chief Executive must immediately advise Board making the original order of</li> </ul>  |

- 
- grounds for suspension, Board may cancel Chief Executive suspension order at any time\*
- if failure to comply results in a conviction, the Area Manager will determine whether the order is to be suspended or not
- SA
- the Home Detention Case Manager determines disciplinary action after taking into account the seriousness of a home detainee's misconduct, depending on order type and degree of non-compliance
  - The Chief Executive Officer must revoke on breach and may in absolute discretion revoke for any other reason\*
  - police or corrections officer who believes on reasonable grounds that HD probationer is contravening, has contravened or is about to contravene that condition of the bond may arrest the probationer and bring as soon as practicable before the sentencing court to be dealt with for breach of bond\*
- ACT
- police may arrest and bring before court without warrant if believe on reasonable grounds there is breach of conditions, corrections officer must tell court if believe on reasonable grounds there is a breach\*
  - breach action is to be initiated by the HD Officer based on a test of reasonableness (ie, alleged breach's relevance, significance and specificity to the HD order), Officer must consider if the available information and any explanation offered by a detainee for an unapproved event is reasonable; if an HD Officer then determines that the Home Detainee has breached their obligations the matter must be brought before the relevant Court
- NT
- court must revoke the order if satisfied there has been a breach unless, having regard to the circumstances of the offender or the breach, and the court is of the opinion that it is appropriate to do so, may direct that the order continue in force and may vary the terms and conditions of the order\*
  - failure to comply with specific conditions by the detainee must be acted upon immediately
  - if a client provides a positive result in any subsequent breath test return the matter to court as soon as possible
  - when a client is convicted during the course of their home detention of further offences that are punishable by a term of imprisonment the HD order will be revoked and the client imprisoned for the period previously suspended
- NZ
- Board may revoke at any time but must hold another hearing as soon as practicable
  - officers must take immediate and appropriate enforcement action following any act of non-compliance (policy of zero tolerance) with level of enforcement reflecting the level of non-compliance
  - Probation Officer sanction to be used for minor infringements, breach action should not be used for minor first time incidents
  - extensive guidelines and examples of further offending and appropriate enforcement actions are detailed in policy under categories of charged with offence other than breach, convicted of new imprisonable offence, absconding, absence without approval for under 30 minutes and for over 30 minutes, entry refusal, EM equipment tampering, separate for first time and subsequent breaches etc
- 

<sup>1</sup> NSW: guidelines for reporting set out in policy as: must report to Board all arrests or convictions, absconds, ie, absences over 24 hours and whereabouts unknown, refusal to submit to drug or alcohol testing, refusal to comply with direction or admit to home or submit to search or authorise release of information, if possess firearm or offensive weapon, major curfew breach, ie, absence from approved location for more than 2 hours;

must also report if in light of circumstances offender is deemed to be at risk of serious offending even if a minor breach; other breaches not requiring Board reporting: tampering/disabling electronic monitoring equipment, minor breach or curfew or deviating from approved activity, change of residence without prior approval, failure to seek approval/notify of other change in circumstances, eg, of employment; other factors to determine in breach response include: combination of different breach types, interval between breaches, total number of breaches, prior progress, readiness to acknowledge responsibility and accept therapeutic referral, impact on perceptions of other detainees and general community.

<sup>2</sup> Vic: there is a distinction made in legislation between minor breach where warning and more stringent application of conditions sanction are available and serious breach (ie, compromising someone's safety, offence condition breach, non-compliance of obligations under restitution or compensation order, breach after repeated failure to comply with conditions, or breach of core conditions of remaining at approved residence at all times and of adhering to specified activity plan) where other sanctions available; policy documentation distinguishes between a minor breach (eg, unacceptable absence from curfew of 5-20 minutes) and serious breach (ie, as legislatively defined above, unacceptable absence from curfew of more than 20 minutes, intentional damage to monitoring system, positive result to breath or urine test, refusal to submit to breath or urine test, exhibiting obstructive, threatening or aggressive behaviour towards the case manager or any other person).

## Program administration

No consistent critical success factors and good practice standards for program administration were identified in the international research and practice literature other than having written home detention policies and procedures integrated into wider agency policies, including emergency/contingency plans, eg, for power outages, phone interruptions, etc.

### *Comparison:*

Jurisdictions vary in aspects of program administration, including whether HD program administration is located with custodial or with community corrections and in the format for documenting program policy and procedural material.

### Selected features of HD program administration

|     | program location  | program staff   |
|-----|---|---|
| NSW | Probation and Parole Services   | dedicated function, Home Detention Unit officers; must have minimum of 2 years experience with Probation and Parole Service   |
| Vic | Home Detention Unit Manager reports to General Manager Diversion and Transitional Services who reports directly to the Deputy Commissioner                                | dedicated function, Home Detention Unit officers; qualifications as for general community corrections staff   |
| Qld | Regional Managers of designated Community Correctional Centres are responsible to the Chief Executive for program operations  | not usually dedicated staff allocated to HD duties, although some centres with larger detainee populations may do so; qualifications as for general community corrections staff |
| SA  | Case Management Coordinator (HD) reports to Manager Case Management; Manager Assessment (eligibility criteria and assessment); Regional Managers (operational management) | dedicated function for HD officers in two units, with some cases (eg, in remote areas) managed by local community corrections officers  |
| ACT | HD Unit is located at Symonston Remand Centre as part of the Rehabilitation Programs Unit; reporting to Community Corrections   | dedicated function, Home Detention Unit officers; qualifications as for general community corrections staff   |
| NT  | area based surveillance officers reporting to local area managers   | designated surveillance officers appointed on a casual basis monitor detainees but may also undertake other functions in some locations, eg, probation services functions       |
| NZ  | area based responsibility   | general case officer responsibility, although some officers may carry exclusive HD workload in some locations   |

## HD program documentation

|     | HD specific program documentation                              | includes emergency contingency plans*                        |
|-----|--|--|
| NSW | HD sections within Intensive Supervision Training manual       | no   |
| Vic | HD Program Standards document<br>HD Commissioner's Requirement | some <sup>1</sup>  |
| Qld | HD sections within Departmental procedures manual              | no   |
| SA  | HD Operational guidelines document                             | no (separate Business Contingency Plan for EM)               |
| ACT | HD Policy and Procedures Manual                                | no   |
| NT  | HD Policy Statement  | no (separate emergency management plan in event of cyclones) |
| NZ  | HD sections within CPS Operations manual                       | no (addressed in monitoring company documentation)           |

\* eg, in case of power outage for EM detainees or natural disasters, etc.

<sup>1</sup> Vic: assessment process requires identification of alternative address in event of co-resident consent withdrawal or other reason for being unable to continue to reside at the approved residence; general emergency procedures covered in separate documentation.

## PROGRAM OPERATION

Information on numbers and trends is based primarily on financial year data provided by jurisdictions for the Report on Government Services each year and other unpublished data collected by NCAG. Additional breakdowns of data into front-end and back-end program numbers were provided for the purpose of the current study by jurisdictions that operate both types of home detention. Statistics published in departmental annual reports or other public documents were also reviewed, but where any inconsistency was found between the RoGS data and these sources, the RoGS data was used.

The data presented in this section are based on an analysis of jurisdictional statistics up to 30 June 2005. Where total figures are presented and used to determine caseload and unit resource figures, the number of detainees represents all detainees, including those on bail supervision. Although the scope of this report has previously excluded unsentenced offenders on home detention in SA and the ACT, it is not possible to disaggregate budget and staff numbers so as to exclude this group.

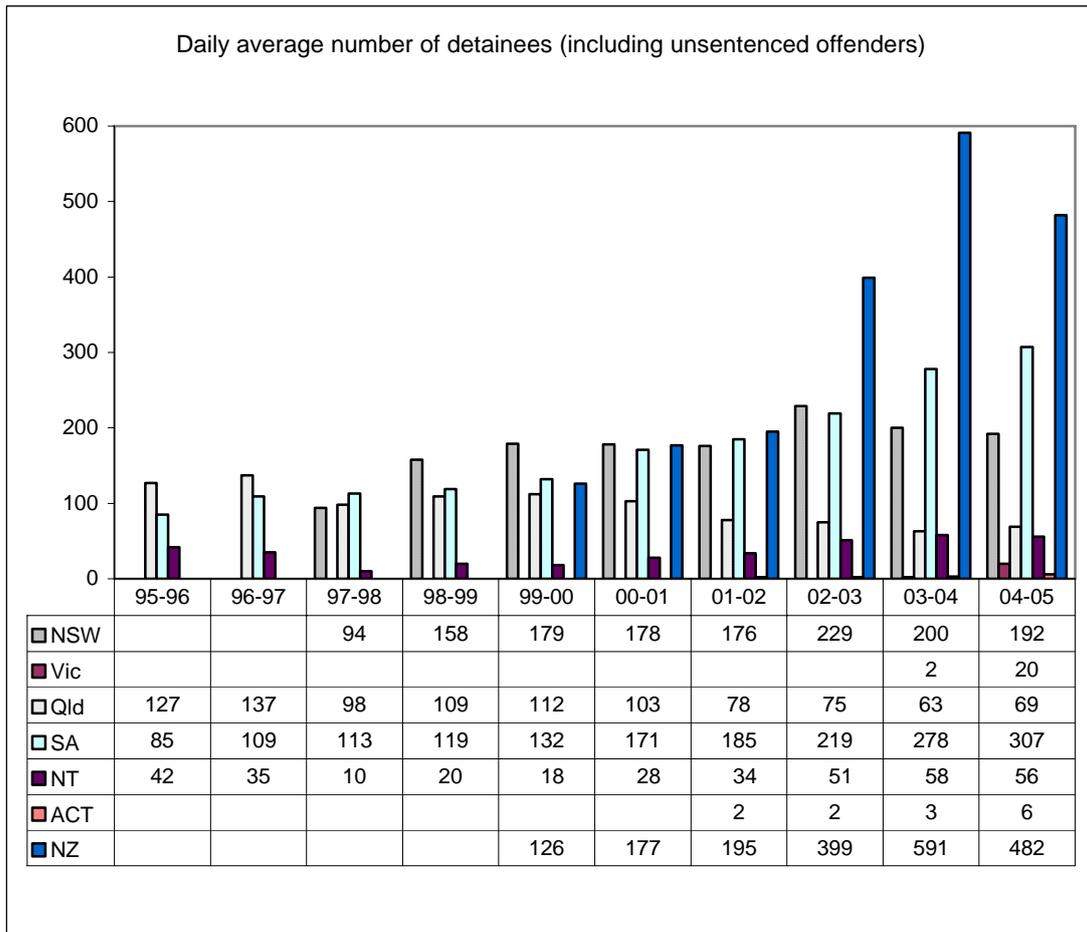
### Numbers and trends

Jurisdictions vary in the time over which home detention options have been operating and in the size of the detainee populations, both of which have implications for identifying and assessing the contribution of factors that may underlie performance variation across jurisdictions presented in the following section as well as affecting program features such as caseload below.

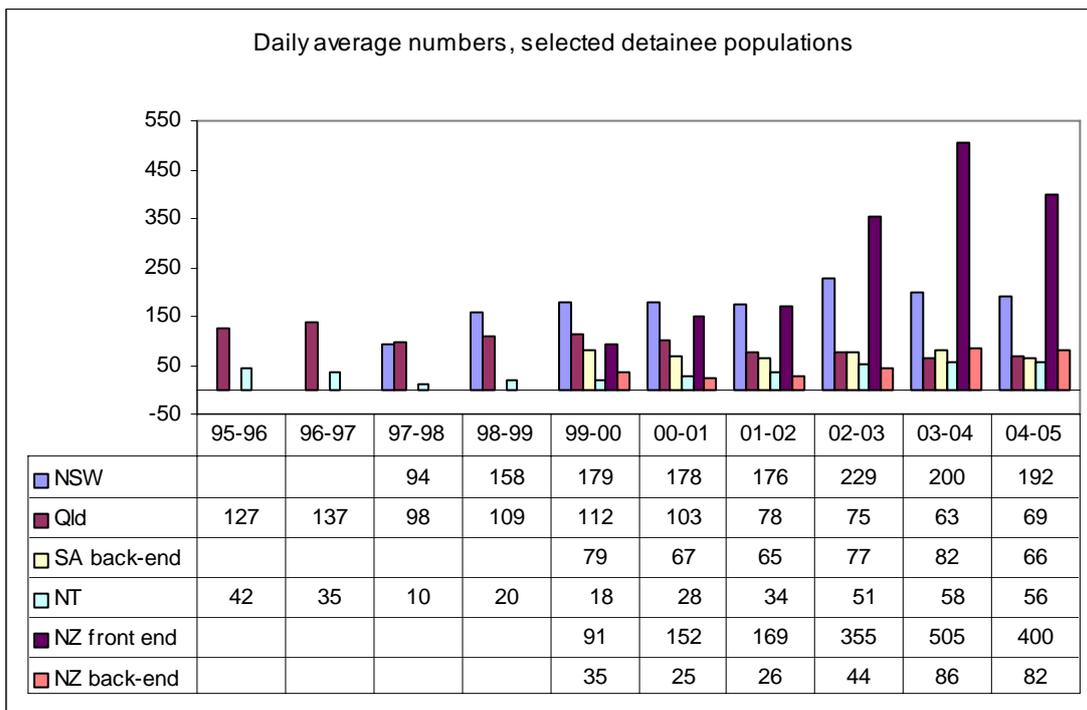
Daily average number of total detainees (including unsentenced offenders) is presented in the first graph and data table on the following page. Caseload and unit cost data was not able to be disaggregated by type of detainee, so that the staff to offender ratio and unit cost analyses below for those jurisdictions reporting on this data are of necessity based on these total detainee numbers. Gender and Indigenous detainee breakdowns (where available for the five-year period below) are also based on this total detainee population.

|     | % Indigenous |       |       |       |       |  | % women |       |       |       |       |
|-----|--------------|-------|-------|-------|-------|--|---------|-------|-------|-------|-------|
|     | 00-01        | 01-02 | 02-03 | 03-04 | 04-05 |  | 00-01   | 01-02 | 02-03 | 03-04 | 04-05 |
| NSW | 3.4          | 2.8   | 4.8   | 6.0   | 4.7   |  | 14.0    | 14.2  | 14.8  | 17.0  | 17.7  |
| Vic |              |       |       | 0.0   | 0.0   |  |         |       |       | 0.0   | 25.0  |
| Qld |              |       |       | 12.7  | 13.0  |  | 10.7    | 11.5  | 10.7  | 7.9   | 8.7   |
| SA  | 4.7          | 7.0   | 5.0   | 7.2   | 7.8   |  | 8.2     | 7.0   | 8.7   | 9.7   | 9.4   |
| ACT |              | 50.0  | 0.0   | 0.0   | 25.4  |  |         | 0.0   | 50.0  | 0.0   | 8.4   |
| NT  | 53.6         | 47.1  | 49.0  | 51.7  | 46.4  |  | 7.1     | 8.8   | 9.8   | 8.6   | 10.7  |
| NZ  |              |       | 39.4  | 38.7  | 39.0  |  |         |       | 20.6  | 19.0  | 22.1  |

The second figure and data table on the following page present daily average figures for front-end and back-end detainees separately for those jurisdictions operating both types of formal program, but excludes detainees on bail supervision in SA, as well as ACT and Victorian figures and SA front-end detainees given the relatively small size of these three populations. The program outcome analyses in the following section are based on only this restricted set of detainee numbers.



\* daily average numbers are not available for NSW in 1996/97 (program commenced in Feb 1997); NT: years prior to 1998-99 are based on number of detainees at 30 June only



\* excludes SA bail supervision, Victorian, ACT and SA front-end HD figures.

As well as variation in absolute numbers of detainees, jurisdictions also differ in the proportion of detainees to total community correction offender population and to total corrective service population. In 2004-05, the daily average number of detainees (excluding bail supervision in SA) ranged between 0.2% and 5.2% of community corrections offenders, with NT showing a much larger proportion than all other jurisdictions.

| daily average detainees 2004-05                | NSW | Vic | Qld | SA  | ACT | NT  | NZ  |
|--|-----|-----|-----|-----|-----|-----|-----|
| as % of total community corrections population | 1.1 | 0.2 | 0.6 | 1.1 | 0.5 | 5.2 | 1.9 |
| as % of total corrective services population   | 0.7 | 0.2 | 0.4 | 0.9 | 0.4 | 3.0 | 1.5 |

## Caseload

Comparable information, based on the unpublished data collected by NCAG, is only available for NSW, ACT, NT and NZ, and for NZ. Statistics are only available for operational staff and for the years 2003-04 and 2004-05.

|                   | 97-98 | 98-99 | 99-00 | 00-01 | 01-02 | 02-03 | 03-04 | 04-05 |
|-------------------|-------|-------|-------|-------|-------|-------|-------|-------|
| total staff       |       |       |       |       |       |       |       |       |
| NSW               | 3.36  | 4.65  | 4.48  | 4.34  | 3.91  | 4.77  | 3.85  | 4.00  |
| ACT               |       |       |       |       | 0.48  | 1.14  | 0.73  | 1.60  |
| NT                |       |       | 1.38  | 4.71  | 4.79  | 6.38  | 5.80  | 5.60  |
| NZ                |       |       | na    | na    | na    | na    | na    | na    |
| operational staff |       |       |       |       |       |       |       |       |
| NSW               | 4.48  | 6.08  | 5.70  | 5.39  | 5.03  | 6.19  | 5.00  | 5.19  |
| ACT               |       |       |       |       | 0.48  | 1.33  | 1.25  | 2.18  |
| NT                |       |       | 4.50  | 8.25  | 21.25 | 8.50  | 11.60 | 11.20 |
| NZ                |       |       | na    | na    | na    | na    | 6.31  | 4.27  |
| other staff       |       |       |       |       |       |       |       |       |
| NSW               | 13.43 | 19.75 | 20.89 | 22.25 | 17.60 | 20.82 | 16.67 | 17.45 |
| ACT               |       |       |       |       | *     | 7.69  | 1.74  | 6.00  |
| NT                |       |       | 2.00  | 11.00 | 6.18  | 25.50 | 11.60 | 11.20 |
| NZ                |       |       | na    | na    | na    | na    | na    | na    |

\* no 'other' staff were allocated to the program in this year.

ACT ratios will be affected by the relatively small number of detainees at any point in time as well as the stage of operation of the program. NT may also be vulnerable to annual fluctuation in staff to offender ratios given the size of the detainee population in that jurisdiction.

A comparable caseload figures for Victoria was estimated on the basis of verbal advice on current staff numbers provided by the program manager, calculated against average detainee numbers at this point of time. Detainee to total staff ratio was 2.5 and to operational staff was 2.9. The SA program manager advised SA was operating on a caseload of approximately 20 cases per HD officer. While these figures are not directly comparable to those provided for the RoGS above, they provide an indication of approximate caseload for these two jurisdictions. It was not possible to determine a caseload figure for Queensland, given that detainees

are not managed by dedicated HD officers, but may be managed to community corrections officers as part of their wider caseload.

The most valid comparison would be operational staff to offender ratios between NSW and NZ where both jurisdictions have relatively similar caseloads for operational staff, at around 4 to 6 detainees per operational officer. However, NZ ratios do not take into account the role of the contracted monitoring company in electronically monitoring detainees and following up alarms.

### Recurrent cost

Comparable budget and cost information, based on unpublished recurrent expenditure data collected by NCAG (excluding depreciation and user cost of capital), is only available for NSW, ACT, and NZ. ACT's unit costs are particularly vulnerable to small number effects and annual fluctuations due to stage of program operations. It was not possible to calculate a comparable unit cost for other jurisdictions.

|           | 99-00   | 00-01   | 01-02    | 02-03    | 03-04    | 04-05    |
|-----------|---------|---------|----------|----------|----------|----------|
| NSW       | \$55.50 | \$57.59 | \$61.48  | \$51.77  | \$64.42  | \$59.59  |
| ACT       |         |         | \$531.95 | \$323.37 | \$462.52 | \$238.98 |
| NZ (\$Au) | na      | \$68.03 | \$70.80  | \$51.60  | \$49.80  | \$55.00  |

The most valid comparison is between NSW and NZ. Both jurisdictions have relatively similar unit costs, at around \$50 to \$70 per detainee per day over the past 5 to 6 years.

## PROGRAM OUTCOME

As in the previous section, information on program outcome is based on financial year data provided by jurisdictions for the Report on Government Services and other unpublished data collected by NCAG. Additional breakdowns of data into front-end and back-end program numbers were provided directly for this study by jurisdictions that operate both types of home detention.

Jurisdictional comparisons of program outcome are particularly vulnerable to the small number effects discussed in the previous section. For example, ACT's annual completion rates as reported in the RoGS have ranged from 50% to 100% since the program commenced. A single order breach reduced the completion rate from 100 in 2001-02 to 67% in 2002-03, and the 50% rate in 2003-04 reflects only two order revocations during the year. The same number of order revocations (2) produced a completion rate of 83% in 2004-05 because a larger overall number of orders was completed in that year than in 2003-04 (12 compared to 4).

In Victoria, the home detention program operates on only a pilot basis and commenced in January 2004. At June 2005, only 64 orders had been completed in total. ACT's program has been operational since September 2001 (and was expanded to include home detention for unsentenced offenders in September 2003) but only 23 orders had been completed in total for both types of home detention up to June 2005. Because of the potentially distorting effects of these small number variations, the jurisdictional comparisons below exclude Victoria and the ACT from the analyses. Information from these two jurisdictions is included in the following sections, but presented for descriptive rather than analytical comparison purposes.

In SA, only 32 front-end home detention orders had been completed over the five-year period they have been operating. Given these small numbers, separate comparisons of front-end and back-end home detention across jurisdictions also exclude SA, although the information is provided for descriptive purposes only.

Other jurisdictional comparisons also need to be interpreted with caution. For example, in the NT, although information is available to this study on over 900 orders since 1993-94, the maximum number of orders completed in any single year is only 110. This means that trends based on annual statistics can also be subject to small number effects and year-by-year fluctuation, thereby limiting the validity of statistical comparisons based on yearly figures.

In effect, analysis of performance based on quantitative information will only provide meaningful interpretation where there are larger data sets. To compare performance variation between jurisdictions on outcome measures also requires a sufficient number of orders over time to determine a valid and stable level of performance. This is the case for NSW, Queensland, SA, and NZ where information on orders and their outcomes is available for thousands of orders. However, even in these cases, changes to policy, procedure and operational factors over the time period may affect completion rates, and therefore reduce the validity of jurisdictional comparisons based on a total order completion rate over a long period of time.

## Program completion rate

The analysis in the table below is based on data provided by jurisdictions for the *RoGS* for the 10-year period from 1995-96 for the number of restricted orders completed and revoked each year. As it is based on all orders during the 10-year time period covered, it provides a more reliable figure than rates for a single year, especially for those jurisdictions with relatively small annual numbers.

However, this total figure may overshadow trends over time, where order completion rates may have systematically changed as a result of changes in policy or operational factors in a particular year. Although discussion with program managers did not identify any significant changes in policy or practice over the time period that they considered likely to have made a substantial change to program outcome in any single year, there could still be incremental changes in policy or operational factors affecting long-term trends. For example, SA has shown a long-term trend of increasing order completion rates when bail supervision detainees are excluded from the comparison.

The second table therefore presents completion rates per year but needs to be interpreted with caution given the potential for annual fluctuations, especially for jurisdictions with relatively small numbers of orders per year. As noted at the start of this section, Victorian and ACT rates have not been included in these analyses. Victoria's completion rates were 100% in 2003-04 (7 completed orders) and 91% in 2004-05 (57 orders). ACT rates (which have not been disaggregated between home detention for sentenced prisoners and remandees) were reported in the *RoGS* as 100%, 67%, 50% and 83% for the years 2001-02 to 2004-05 (comprising 4, 3, 4 and 12 completed orders in each year).

|     | time period covered | total no. orders | total completion rate |
|-----|---------------------|------------------|-----------------------|
| NSW | 1996-97 to 2004-05  | 5,826            | 77.0                  |
| Qld | 1995-96 to 2004-05  | 4,218            | 87.0                  |
| SA  | 1995-96 to 2004-05  | 2,427            | 85.4                  |
| NT  | 1995-96 to 2004-05  | 781              | 87.0                  |
| NZ  | 1999-00 to 2004-05  | 6,125            | 89.0                  |

\* SA excludes bail supervision orders but includes front-end detention for this analysis.

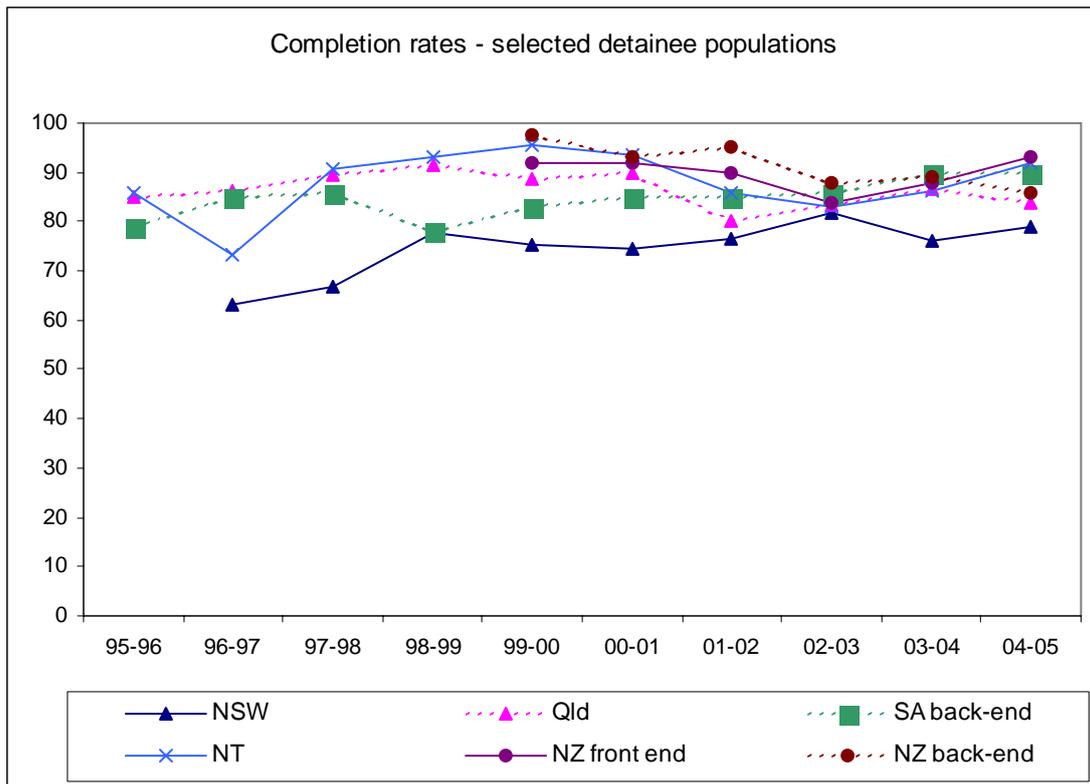
|     | 95-96 | 96-97 | 97-98 | 98-99 | 99-00 | 00-01 | 01-02 | 02-03 | 03-04 | 04-05 |
|-----|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| NSW |       | 63    | 67    | 78    | 75    | 75    | 76    | 82    | 76    | 79    |
| Qld | 85    | 86    | 89    | 91    | 89    | 90    | 80    | 83    | 87    | 84    |
| SA  | 79    | 85    | 86    | 78    | 83    | 85    | 86    | 87    | 90    | 91    |
| NT  | 86    | 73    | 91    | 93    | 95    | 93    | 86    | 83    | 86    | 92    |
| NZ  |       |       |       |       | 93    | 94    | 92    | 85    | 89    | 91    |

\* SA excludes bail supervision orders but includes front-end detention for this analysis.

Given the potential for jurisdictional variation across different program types, these figures were disaggregated for NZ front-end and back-end programs. SA statistics are presented for back-end home detention only in the table and the graph below. Completion rates for the small number of SA front-end home detention orders (3 to 12 completed orders per year since commencement in 2000-01) were 100 per cent in each year.

|              | 95-96 | 96-97 | 97-98 | 98-99 | 99-00 | 00-01 | 01-02 | 02-03 | 03-04 | 04-05 |
|--------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| SA back-end  | 79    | 85    | 86    | 78    | 83    | 85    | 85    | 86    | 90    | 90    |
| NZ front end |       |       |       |       | 92    | 92    | 90    | 84    | 88    | 93    |
| NZ back-end  |       |       |       |       | 98    | 93    | 95    | 88    | 89    | 86    |

\* NZ breakdowns into front-end and back-end home detention were provided directly as rate figures by NZ corrections, taken from a different information source than the data used to calculate the RoGS indicator on which the total completion rate is based, and may therefore not calculate to the same rate as for total detainees in the previous table.



### Analysis of possible underlying factors

Although there is not a substantial variation in outcome rates across jurisdictions, NZ and the NT do show slightly higher completion rates for total orders (over a 10 year period for the NT and the six-years that the program has been operating in NZ) as well as highest or equal highest rates for the most current year (2005-05). The focus of the following analysis is on selected features that may, given the findings of the literature review and outcomes of discussions with program managers, underlie performance variation and that are shared by these two jurisdictions but which are unique to the two when compared with other jurisdictions with lower completion rates.

#### *Type of program*

The type of HD program may be a significant factor in completion rates. For example, bail supervision in SA has a much lower completion rate than either front-end or back-end detention in that jurisdiction (57%, 100% and 90% respectively in 2004-05 and similar variation in previous years). NZ front-end and NZ back-end HD

completion rates differ, but not consistently on a year-by-year basis. Type of program alone does not distinguish between jurisdictions with higher and those with lower completion rates. In 2004-05, NZ's back-end HD program completion rate was 86%, lower than the equivalent SA rate of 90%.

### *Program intensity*

Differences in the extent of restrictions on behaviour as a condition of the order combined with variation in intensity of supervision may affect completion rates. For example, an analysis of NSW breach rates reported in verbal evidence to the Standing Committee on Law and Justice enquiry shows 46% of detainees over an 18-month period in 2001-02 breached at least one condition, with the most common being urinalysis testing, although a breach did not automatically revoke the order (59% were officially sanctioned by a warning or a change to case management or supervision practice but did not have their order revoked).

In NZ, restrictions on the use of alcohol or drugs and a requirement to submit to testing are not standard conditions of the order, so are not universally applied to all detainees as is the case in other jurisdictions, instead, being applied at the discretion of the decision-making body according to individual detainee circumstances. However, in practice, a substantial proportion of detainees have this as a condition of their order, and, given that the other jurisdiction with the highest completion rates (NT) does apply this condition universally and shares similar program completion rates to NZ, this does not of itself explain variation in program outcome.

Intensity of supervision could be a contributing factor to program completion rates. All jurisdictions other than the two showing the highest rates (NT and NZ) document a minimum contact frequency by caseworkers of 20 or more contacts in the most intensive supervision regime stage. In comparison, NT operates on an initial weekly contact frequency for urban and monthly for rural areas and the highest minimum contact frequency for any phase and management regime for NZ is 12. However, in NZ all detainees are also subject to continuous active electronic monitoring while at home and work and alternative monitoring while on approved absences by the contracted monitoring company.

Given that the other jurisdictions with similarly high minimum contact frequencies during the most intensive stage of the monitoring regime still show substantial variation in completion rates, intensity of supervision does not in and of itself appear to be a predictor of program completion when taking both frequency and nature of monitoring into account.

### *Offender populations*

There is some empirical research evidence in some reports (although the findings are not consistent across studies) for higher program completion and lower recidivism rates to be related to differences in detainee age, ethnic background, prior imprisonment history, employment status, motivation, current drug abuse history (but not alcohol abuse), offence type, and living arrangements (eg, better outcomes if residing with spouses or same-sex roommates and assessed as having a stable home environment). There is also evidence from research on other offender and prisoner populations showing lower recidivism rates among different types of

offenders, eg, violent offenders reported as showing lower rates of reoffending than property offenders in various analyses and those with drug offences showing higher rates.

Jurisdictions vary in whether HD is available to individuals with a history of violent offences under the particular jurisdiction's legislation. In NSW, Victoria, and the ACT most violent offences preclude eligibility, SA excludes only one (homicide), while Queensland, NT and NZ do not have explicit offence exclusions. In NZ, 27% of detainees on orders in November 2003 (the date of the most recent census of prisoners and detainees) had a violent or sexual offence as the major offence. In the NT, 13% of offenders commencing HD orders in 2004-05 had a violent, sexual or robbery conviction as the most serious offence. Information is not available on the proportion of violent offenders in Queensland. NZ and NT, despite sharing similarly high program completion rates, vary markedly in the proportion of detainees with a drug offence as the most serious/major offence (23 and 2% respectively). Comparable information is not available for other jurisdictions. Type of offence per se is unlikely to explain differences in program completion rates.

Females have been reported as showing lower recidivism rates than males in the research and practice literature, which may be a contributory factor to higher program completion rates where revocation is on the grounds of reoffending. NZ shows a much higher proportion of female detainees than all other jurisdictions (with the exception of Victoria and ACT in some years where the proportions will be skewed by small number effects, eg, the 50% rate for ACT in 2002-03 represents only a single female detainee). However, NT's proportion of female detainees is lower than that of jurisdictions showing lower program completion rates, and the jurisdiction with the second highest proportion of females shows the lowest completion rate.

Indigenous status has also been linked to higher recidivism rates, which may contribute to lower program completion rates where revocation is on the grounds of reoffending. NT and NZ show the highest percentage of Indigenous detainees and the table below shows these two jurisdictions have higher 2004-05 rates of Indigenous home detainees per 100,000 Indigenous people in the general population, both compared to other jurisdictions and relative to rates for community corrections offenders and prisoners (noting that these detainee rates can still be affected by small number effects even among the jurisdictions with larger detainee numbers below). While there are jurisdictional differences in the percentage and rate of Indigenous home detainees between jurisdictions with higher and lower program completion rates, this is not in the expected direction indicated by the research and practice literature.

| Rate per 100,000 Indigenous people: | NSW  | QLD  | SA*  | NT   | NZ   |
|-------------------------------------|------|------|------|------|------|
| home detainees                      | 1133 | 1154 | 2537 | 7278 | 4958 |
| community corrections offenders     | 3340 | 2494 | 4649 | 2111 | 3135 |
| prisoners                           | 2153 | 1647 | 1731 | 1680 | 901  |

\* SA excludes bail supervision detainees - including this group increases the rate to 14,587

Age has also been linked to recidivism, with older age groups showing a lower risk of reoffending. The 2003 NZ *Prisoner and Detainee Census* notes that the home detention program is weighted toward an older age group relative to sentenced prisoners. One-quarter or more detainees in NZ and NT are aged 40 or over. However, no comparable information was available to the study for other jurisdictions.

These analyses of selected detainee population characteristics, although limited in scope, do not provide any strong evidence for differences in population characteristics such as gender, Indigenous status, or most serious offence being predictors of program outcome. However, analysis of data not available to the study, eg, other population characteristics such as prior correctional history, or a combination of factors could underlie variation in program outcome between jurisdictions.

The most appropriate comparison (supported by findings from the research and literature review) would be a comparison on risk assessment scores. However, this is outside the scope of the current study, and is also limited by jurisdictional differences in the type of assessment instrument used. It may be the case that jurisdictions with higher program completion rates also have detainee populations that comprise lower risk offenders. Both NT and NZ have the highest proportions of detainees to total corrective services populations, which could, if assuming that criminal justice system practices are reasonably similar across jurisdictions in producing comparable client populations, be interpreted as reflecting greater application of HD to lower-risk offenders compared to those jurisdictions with a relatively low proportion. However, these differences could equally reflect a greater willingness of the decision-making body to grant orders to a wider range of offenders, including higher-risk groups.

#### *Caseload and resource factors*

There is no obvious correlation between either caseload or unit cost and program completion rates based on the information available to the study. The two jurisdictions with the highest completion rates (NT and NZ) have markedly different detainee to operational staff ratios (attributable at least in part to the use of a contracted company to monitor detainees in one jurisdiction and the scope of non-metropolitan geographic coverage required in the other). Unit cost between the two jurisdictions with the highest and the lowest completion rate was almost identical in 2004-05.

#### *Other program features*

No single program feature was identified that is shared by NT and NZ but is unique to only those two jurisdictions.

#### *Generic practices*

The performance variation in home detention completion rates is not attributable to generic policy or practice features common to the management of other offenders in the community. For example, the completion rate of supervision orders<sup>5</sup> over the last three years consistently shows NSW with the highest completion rate of those jurisdictions on which the home detention outcome

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<sup>5</sup> Supervision orders comprised offenders other than those on restricted movement orders (ie home detention, curfew orders) or reparation orders (ie offenders with a community service bond or order requiring that they undertake paid work and fine options).

analysis above is based, while NT and NZ have the lowest and equal second lowest rates, the direct opposite to the pattern for home detention program completion rates. The same ranking is found for completion of parole orders over the past two years, with NT and NZ show lower completion rates and NSW the highest.

| completion rate, supervision orders | NSW | Qld | SA | NT | NZ |
|-------------------------------------|-----|-----|----|----|----|
| 2002-2003                           | 86  | 69  | 76 | 65 | 69 |
| 2003-2004                           | 83  | 70  | 76 | 66 | 70 |
| 2004-05                             | 84  | 70  | 74 | 63 | 70 |

| completion rate, parole | NSW | Qld | SA | NT | NZ |
|-------------------------|-----|-----|----|----|----|
| 2002-2003               | 78  | 76  | 71 | 62 | 79 |
| 2003-2004               | 77  | 77  | 73 | 65 | 70 |
| 2004-05                 | 80  | 79  | 69 | 65 | 69 |

### *Overview*

Overall, on the basis of the information available to the study, there are no obvious factors explaining performance variation on the jurisdictionally comparable measure of program completion when considering either individual program features or detainee characteristics. However, it is possible that combinations of program features may contribute to variation in program completion rates, especially if combined with differences in the level of risk across the detainee population.

For example, jurisdictions vary in whether there is a requirement for all detainees not to use alcohol or drugs throughout the order as a legislatively-prescribed standard order condition (as is the case in, eg, NSW and Victoria), in the minimum frequency of case worker contact (see earlier sections), and in testing regimes (eg, Victoria applies random urine/breath testing for all detainees on a weekly basis in the first phase reducing to monthly in the least intensive phase of the order while NZ does not conduct urinalysis). Jurisdictions with higher proportions of detainees with a higher risk of reoffending such as drug users that also apply more intensive monitoring and substance testing regimes may show lower completion rates because breaches of conditions relating to alcohol/drug use are more likely to be detected.

However, information is not available to the study to assess whether such multiple factors of program features combined with detainee characteristics can predict program outcome.

### **Additional measures**

Both the Australian and international evaluation literature have included analysis of measures other than completion rates in evaluating wider correctional program success, including recidivism, offender and co-resident perceptions about the program, other stakeholder satisfaction levels (eg, courts and Boards, corrective services staff), diversion from imprisonment, and cost-benefit analysis.

The relevance of such measures as appropriate outcome indicators is obviously dependent on the particular aims and objectives of a particular program. However, order completion and recidivism are the most commonly used outcome measures

for assessing the effectiveness of home detention. Only a small number of studies include other measures, such as detainee, family, program staff, or judicial officer/Board satisfaction with the program or community attitudes to this sanction.

Options for assessing outcome effectiveness<sup>6</sup> for home detention are similar to those of any other corrective services program, that is, three broad categories of:

- successful program completion,
- reduction in assessed risk during program involvement, and
- post-program behavioural change, eg, reduced recidivism.

Given the scope of this project and the findings of the literature review, order completion has been considered a reasonable outcome measure to assess performance variation for this study and as a base for any future benchmarking work, particularly given NCAG work in developing a more refined completion indicator (such as distinguishing between different types of unsuccessful completion).

Other outcome indicators suggested by program managers included social measures such as the effectiveness of community reintegration and positive family relationships. Progress achieved against individual case plan goals was considered by some to be a more appropriate indicator than simply completing/not completing the order. The importance of considering breach rates in relation to program requirements was also stressed, in that successful outcome based on only low breach rates may reflect very limited order obligations (eg, no requirement to attend approved programs or to seek/maintain employment) or be the result of limited monitoring (eg, there is a higher risk of detecting breaches of alcohol/drug conditions when there is an intensive testing regime in place).

While these suggested measures would certainly provide useful additional information, each would need significant work to establish appropriate definitions and agreed counting rules as well as substantial resource implications to implement for at least some jurisdictions. On the grounds of practicality, program completion rates would appear to be the most appropriate measure for any additional benchmarking work, at least in the immediate future, particularly when incorporating developmental work being undertaken by NCAG on this indicator.

In relation to identifying and assessing underlying factors that may contribute to performance variation on outcome measures, the current study has been based on an analysis of fairly limited statistical information. For example, it has not been possible to compare risk levels of detainee populations, which has been identified as a strong predictor for successful program outcome in the international research and practice literature, given both the scope of the current study and differences between jurisdictions in the methods used to assess risk.

One approach to assessing the impact of risk in the absence of jurisdictionally comparable risk scores would be to compare the risk profiles of detainees against other corrective services populations within each jurisdiction and then draw cross-

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<sup>6</sup> As opposed to efficiency measures (such as unit cost); quality of service measures (such as stakeholder satisfaction); or access/participation measures (such as percentage of successful applications by prisoners or proportion of assessment report recommendations adopted by the court).

jurisdictional comparisons on the extent of similarity or difference. For example, if a jurisdiction shows higher average risk scores (on that jurisdiction's particular risk measure) for detainees entering the home detention program than for offenders sentenced to community based orders and similar average risk scores to prisoners in full-time imprisonment, then arguably the detainee population is a higher risk group than in another jurisdiction where the average risk score of detainees (even if measured using a totally different assessment tool) is similar to offenders serving a low-intensity supervision order and significantly lower than those in full-time detention. Again, such comparisons have been outside of the scope of the current study and would require jurisdictions to collecting such information in the longer term for future analysis.

## CONCLUSION

Analysis of specific features of home detention programs across Australian states and territories and New Zealand has been based on review of legislation and policy and procedures documentation. These comparisons show there is variation in some areas, but that generally all jurisdictions show those good practice features identified in the international research and practice literature as contributing to successful outcomes for home detention and electronic monitoring programs. Also, while in some cases there may appear to be a unique feature set out in one jurisdiction's program documentation (eg, a specific mandate for caseworkers to provide support to co-residents), discussion with program managers indicates that this is applied in practice in other jurisdictions, even though policy and procedural documentation may not make it explicit.

Arguably, home detention programs are distinguished less by significant differences in key areas of operation (such as broad assessment, case management, and breach processes) than by different 'strategic' approaches established in legislation that determine the scope and application of such programs.

The analysis provided in this report has not uncovered any obvious program element that in and of itself explains variation in performance across jurisdictions. However, it has been beyond the scope of this study to conduct the sort of in-depth analysis of combinations of program features together with potential differences in detainee population characteristics (particularly risk levels) that might underlie differences in program outcome.

# APPENDICES

## APPENDIX 1:

### Legislation relevant to home detention reviewed

#### NSW:

- *Crimes (Sentencing Procedure) Act 1999* No 92 Reprint No 2 (as at 1 March 2005)
- *Crimes (Sentencing Procedure) Regulation 2000* (as at 30 July 2004)
- *Crimes (Administration of Sentences) Act 1999* No 93 Reprint No 2 (as at 20 December 2004)
- *Crimes (Administration of Sentences) Regulation 2001* No 93 Reprint No 1 (as at 10 December 2004)
- *Crimes (Administration of Sentences) Amendment (Parole) Act 2004* No 94 (as at 15 December 2004)

#### Victoria:

- *Sentencing Act 1991* Act No 49/1991 (as at 5 April 2005)
- *Sentencing Regulations 2002* No 21/2002 (as at 2 May 2002)
- *Corrective Services Act 1986* Act No 117/1986 (as at 5 April 2005)
- *Corrective Services Regulations 1998* No 52/1998 (as at 12 May 1998)

#### Queensland:

- *Corrective Services Act 2000* Reprint No 2G (as in force 29 April 2005)
- *Corrective Services Regulation 2001* Reprint No 2 (as in force 31 October 2003)
- *Penalties and Sentences Act 1992* Reprint No 8A (as in force 1 January 2005)
- *Penalties and Sentences Regulation 1992* Reprint No 1A (as in force 28 March 2003)

#### South Australia (consolidated as of 16 January 2006):

- *Criminal Law Sentencing Act 1988*
- *Criminal Law Sentencing Regulations 2000*
- *Bail Act 1985* Reprint No 7
- *Bail Regulations 2000* No 36/2000
- *Correctional Services Act 1982* Reprint No 16
- *Correctional Services Regulations 2001* No 198/2001
- *Young Offenders Act 1993*
- *Young Offenders Regulations 1993*
- *Summary Procedure Act 1921*
- *(Correctional Services (Miscellaneous) Amendment Bill 2004)*

#### ACT:

- *Rehabilitation of Offenders (Interim) Act 2001* Republication No 9 (effective as at 25 March 2005)
- *Rehabilitation of Offenders (Interim) Regulation 2001* Republication No 4 (effective as at 2 November 2004)

**NT:**

- *Sentencing Act* (as at 16 February 2005)
- *Sentencing Regulations* (as at 22 October 2001)
- *Prisons (Correctional Services) Act* (as at 16 April 2003)
- *Prisons (Correctional Services)(Home Detention Orders) Regulations* (as in force at 1 July 1996)
- *Prisons (Correctional Services) Regulations* (as in force at 11 August 1999)

**New Zealand:**

- *Sentencing Act 2002* No. 9 (up to and including amendment no 68 2004)
- *Sentencing Regulations 2002* SR2002/178 (as at 10 March 2005)
- *Parole Act 2002* No. 10 (up to and including amendment no 67 2004)
- *Parole Regulations 2002* SR 2002/179 (as at 10 March 2005)
- *Criminal Justice Act 1985* (as at March 2005)

**Australia**

- *Crimes Act 1914*
- *Crimes Regulations 1990*

## APPENDIX 2:

### Policy/procedures documentation relevant to home detention reviewed

#### NSW:

*Home detention supervision guidelines* (Revised December 2005)

*Intensive Supervision Training* manual, revised edition February 2005:

- Section 3: Home detention assessments
- Section 4: Home detention supervision
- Section 5: Home detention infringements, breaches and revocation
- Section 6: Electronic monitoring equipment

#### Victoria:

- *Home detention program, Commissioner's Requirement no. 17/2005*
- *Home detention program standards*
- *Home Detention Program: Guide to making an assessment referral*
- *Form 14 Undertaking by an offender*
- *Home detention assessment process overview and diagram*
- *Home detention program Director's Instruction 7.8* (draft as at April 2005)

#### Queensland:

*Procedure - Offender Management* (publicly available information at <http://www.dcs.qld.gov.au/docs/procedures/ofm/ofmproapp.shtml>): admission, advisory reports, assessment, induction, offender transfer, post-prison community based release orders, review, use of vehicles by prisoners, relevant appendices and forms

*Procedure - Offender Management* (additional material provided by DCS):

- DCS Procedure: offender management (not for public release) Electronic monitoring on home detention\*
- DCS Procedure: offender management (not for public release) Surveillance - community corrections
- DCS Procedure (appendix) Surveillance: Home detention order (Version 01)
- DCS Procedure (appendix) Surveillance Matrix (Version Trial)
- Electronic monitoring eligibility criteria\*
- Trial of Home Detention with Electronic Monitoring: participant rules - prisoner\*
- Electronic monitoring Pre-assessment checklist\*
- Home Detention with Electronic Monitoring: prisoner interview checklist\*
- Home Detention with Electronic Monitoring: home assessment\*
- Participant agreement - co-resident Home detention with electronic monitoring\*

\*in force only during the trial of electronic monitoring during 2000-02

Gazetted forms: 15, 31, 36-43

#### South Australia:

- *Home detention guidelines* (draft as at January 2006)
- *Operational guidelines Home detention*
- *Manual of operational guidelines: Home detention sentenced prisoners, intensive bail supervision, drug court curfew, intensive probation supervision* (draft as at March 2005)

- *Supervision standards/levels as of 4<sup>th</sup> march 2002*
- *After Hours Monitoring of Home Detention Clients in Country Regions Protocol*
- *Process for managing 'overflow' HD clients*
- *Protocols for Intensive Bail Supervision of Drug Court Participants*

**ACT:**

- *Home detention policy and procedure manual*
- *Appendix 1: Home detention assessments*
- *Appendix 2: Applicant assessment interview*
- *Appendix 6: Consent to Obtain and Release Information*
- *Appendix 9: Co-resident interview*
- *Appendix 10: Co-resident's consent*
- *Appendix 14: Rules for electronic monitoring*
- *Appendix 17: Case plan*
- *Appendix 18: Case notes*
- *Appendix 19: Request to vary residence*
- *Appendix 22: Home detention completion report*
- *Assessment checklist*
- *Case management checklist*
- *Completion and termination checklist*
- *Induction checklist*
- *Audit checklist*
- *Home detention notes provided by Manager, Rehabilitation Programs Unit, ACT Corrective Services*

**NT:**

- *Policy statement: Home detention program, April 1998*
- *Community Corrections Policy and Procedures Manual Section 6, Case Management System*
- *Community Corrections Confidentiality Protocols*
- *Community Corrections Code of Ethics*

**New Zealand:**

CPS Operations Manual

<http://www.corrections.govt.nz/public/policyandlegislation/cps/cps-ops-manual-navigation-map.html>

- Volume 1 Part 3 Chapter 1: Pre-release (parole) reports
- Volume 1 Part 3 Chapter 2: Home detention reports
- Volume 2 Part 2 Chapter 4 section B: Home detention induction
- Volume 2 Part 3 Chapter 3: Home detention regime assessment
- Volume 2 Part 3 Chapter 4: Compliance
- Volume 2 Part 4 Chapter 1: General sentence management: Carrying out home visits
- Volume 2 Part 4 Chapter 2: Electronic/home detention monitoring
- Volume 2 Part 4 Chapter 4: Pre-termination assessments
- Volume 2 Part 5 Chapters 1-5: Non-compliance, court hearings, recalls, transfers and appeals

**Australia**

*Standard Guidelines for Corrections in Australia (Revised 2004)*

[http://www.aic.gov.au/research/corrections/standards/aust-stand\\_2004.pdf](http://www.aic.gov.au/research/corrections/standards/aust-stand_2004.pdf)

### APPENDIX 3:

#### Home detention/curfew/electronic monitoring review and evaluation reports reviewed

##### NSW

Heggie, K 1999 *Review of the NSW Home Detention Scheme* NSW Dept. of Corrective Services, Research publication no 41  
[http://www.dcs.nsw.gov.au/information/research\\_and\\_statistics/research\\_publication/rp041.pdf](http://www.dcs.nsw.gov.au/information/research_and_statistics/research_publication/rp041.pdf)

Law Reform Commission NSW 1996 *Sentencing ch 7 Home Detention* Report 79  
<http://www.lawlink.nsw.gov.au/lrc.nsf/pages/R79CHP7> (viewed 3/5/2005)

##### SA

Heath, J 1996 *Home detention best practice review* South Australian Department for Correctional Services

Winton, I 1999 *Review of Home Detention in South Australia - September 1999* Dept. for Correctional Services, Adelaide

##### ACT

Home Detention Review Committee 2004 *Report on the review of provisions of the Rehabilitation of Offenders Interim) Act 2001 relating to home detention for sentenced prisoners as required under section 100 of the Act* Report to the Legislative Assembly for the Australian Capital Territory

##### NZ

Church, A Dunstan, S 1997 *The evaluation of the home detention pilot program 1995-1997* Ministry of Justice, NZ

Gibbs, A & King, D 2003 The electronic ball and chain? The operation and impact of home detention with electronic monitoring in New Zealand *Australian and New Zealand Journal of Criminology*, 36(1), p1-17

Ministry of Justice (NZ) 1999 *Review of Community-based Sentences in New Zealand*  
[http://www.justice.govt.nz/pubs/reports/1999/community\\_sentence/index.html](http://www.justice.govt.nz/pubs/reports/1999/community_sentence/index.html) (viewed 11/5/2005)

Spier, P 2001 *Conviction and sentencing of offenders in New Zealand: 1991-2000*  
<http://www.justice.govt.nz/pubs/reports/2001/convict-sentence-2001/convict-sentence.pdf> (viewed 17/5/2005)

##### WA

Offender Management Division, Community Based Services Directorate (WA) 1999 *Review of the home detention scheme with special reference to improving the effectiveness of the management of special/high risk offenders* (copy for public release)

##### England and Wales

Airs, J, Elliott, R & Conrad, E 2000 *Electronically monitored curfew as a condition of bail - report of the pilot*

<http://www.probation.homeoffice.gov.uk/files/pdf/occ-bail%5B1%5D.pdf> (viewed 1/4/2005) Home Office Research, Development and Statistics Directorate

Cassidy, D, Harper, G & Brown, S 2005 *Understanding electronic monitoring of juveniles on bail or remand to local authority accommodation* Home Office Online Report 21/05 <http://www.homeoffice.gov.uk/rds/pdfs05/rdsolr2105.pdf> (viewed 9/3/2005)

Dodgson, K, Goodwin, P, Howard, P, Llewellyn-Thomas, S, Mortimer, E, Russell, N & Weiner, M 2001 *Electronic monitoring of released prisoners: an evaluation of the Home Detention Curfew Scheme* Home Office Research, Development and Statistics Directorate, Home Office Research Study 222

Dodgson, K & Mortimer, E 2000 *Home detention curfew - the first year of operation* Home Office Research, Development and Statistics Directorate, Research Findings no. 100

Dodgson, K, Mortimer, E & Sugg, D 2000 *Assessing prisoners for home detention curfew: a practitioner's guide* <http://www.homeoffice.gov.uk/rds/pdfs/pg1homedetention.pdf> (viewed 3/5/2005)

Elliott, R, Airs, J, Easton, C & Lewis, R 2000 *Electronically monitored curfew for 10- to 15-year-olds - report of the pilot* Home Office occasional paper <http://www.probation.homeoffice.gov.uk/files/pdf/occ-tagging%5B1%5D.pdf> (viewed 1/4/2005)

Elliott, R & Airs, J 2000 *New measures for fine defaulters, persistent petty offenders and others: the report of the Crime (Sentences) Act 1997 pilots* Home Office occasional paper <http://www.homeoffice.gov.uk/rds/pdfs/occ-fine.pdf> (viewed 1/4/2005)

Mortimer, E 2001 *Electronic monitoring of released prisoners: an evaluation of the Home detention Curfew Scheme* Home Office Research, Development and Statistics Directorate, Findings no. 139

Mortimer, E, Pereira, E & Walter, I 1999 *Making the tag fit: further analysis from the first two years of the trials of curfew orders* Home Office Research, Development and Statistics Directorate, Research Findings no. 105

National Audit Office (UK) *The electronic monitoring of adult offenders* [http://www.nao.org.uk/publications/nao\\_reports/05-06/0506800.pdf](http://www.nao.org.uk/publications/nao_reports/05-06/0506800.pdf)

Sugg, D, Moore, L & Howard, P 2001 *Electronic monitoring and offending behaviour - reconviction results for the second year of trials of curfew orders* Home Office Research, Development and Statistics Directorate, Findings no. 141

Walter, I 2002 *Evaluation of the national roll-out of curfew orders* Home Office Online Report 15/02 <http://www.homeoffice.gov.uk/rds/pdfs2/rdsolr1502.pdf> (viewed 1/4/2005)

Walter, I, Sugg, D & Moore, L 2001 *A year on the tag: interviews with criminal justice practitioners and electronic monitoring staff about curfew orders* Home Office Research, Development and Statistics Directorate, Findings no. 140

### Scotland

Lobley, D & Smith, D 2000 *Evaluation of electronically monitored restriction of liberty orders* Scottish executive Group  
<http://www.scotland.gov.uk/cru/kd01/green/order01.pdf> (viewed 1/4/2005)

Scottish Executive *Tagging offenders: the role of electronic monitoring in the Scottish criminal justice system* (viewed 1/4/2005)

### Canada

Bonta, J, Rooney, J & Wallace-Capretta, S 1999 *Electronic monitoring in Canada* Public Works and Government Services Canada [http://www.psepc-sppcc.gc.ca/publications/corrections/em\\_e.asp](http://www.psepc-sppcc.gc.ca/publications/corrections/em_e.asp) (viewed 1/4/2005)

Bonta, J, Wallace-Capretta, S & Rooney, J 2000 Can Electronic Monitoring Make a Difference? An Evaluation of Three Canadian Programs *Crime & Delinquency, Vol. 46(1)*, 61-75

### USA

Byrne, M, Lurigio, A & Baird, C 1989 The effectiveness of the new intensive supervision programs *Research in Corrections, 2(2)*, p1-48  
<http://nicic.org/Misc/URLShell.aspx?SRC=Catalog&REFF=http://nicic.org/Library/007700&ID=007700&TYPE=PDF&URL=http://www.nicic.org/pubs/pre/007700.pdf> (viewed 3/5/2005)

Crowe, A & Sydney, L 2002 *Offender supervision with electronic technology* American Probation and Parole Association <http://www.appa-net.org/embook.pdf> (viewed 3/5/2005)

Gassaway 1989 *Designing an electronic monitoring program: A guide to program design, implementation and management. The experience of Clackamas County, Oregon*  
<http://nicic.org/Misc/URLShell.aspx?SRC=Catalog&REFF=http://nicic.org/Library/008745&ID=008745&TYPE=PDF&URL=http://www.nicic.org/pubs/pre/008745.pdf> (viewed 3/5/2005)

Harig, T (n.d.) The Juvenile Electronic Monitoring Project: The Use of Electronic Monitoring Technology on Adjudicated Juvenile Delinquents  
<http://criminaljustice.state.ny.us/crimnet/ojsa/jemp/> (viewed 1/4/2005)

National Law Enforcement Corrections Technology Center 1999 *Keeping Track of Electronic Monitoring* <http://www.nlectc.org/txtfiles/ElecMonasc.html> (viewed 3/5/2005)

Van Veet, R & Fowles, T (n.d.) *A Case for Intermediate Sanctions* for the Utah Commission on Criminal and Juvenile Justice  
<http://www.justice.utah.gov/Research/Adult/IntermediateSanctions.pdf> (viewed 3/5/2005)

### Germany

Mayer, M 2004 Evaluation of a Pilot Project on Electronic Monitoring  
[http://www.iuscrim.mpg.de/forsch/krim/mayer\\_en.html](http://www.iuscrim.mpg.de/forsch/krim/mayer_en.html) (viewed 1/4/2005)

## Sweden

Olkiewicz, E 2001 *Prison at liberty: an evaluation of intensive supervision with electronic control* (English summary) National Council for Crime Prevention, Sweden

## Europe

Conférence Permanente Européenne de la Probation 2005 *Electronic Monitoring: report on 4<sup>th</sup> European conference* <http://www.cep-probation.org/en/reports/ReportEM2005-E.pdf> (viewed 16/10/2005)

Conférence Permanente Européenne de la Probation 2003 *Electronic monitoring in Europe* <http://www.cep-probation.org/reports.html> (viewed 10/6/2005)

Conférence Permanente Européenne de la Probation 2002 *Electronic monitoring in Europe: update* <http://www.cep-probation.org/reports.html> (viewed 10/6/2005)

Conférence Permanente Européenne de la Probation 2001 *Electronic Monitoring in Europe* [http://www.cep-probation.org/reports/electronic\\_monitoring\\_in\\_europe2.html](http://www.cep-probation.org/reports/electronic_monitoring_in_europe2.html) (viewed 3/5/2005)

Conférence Permanente Européenne de la Probation 1998 *Electronic monitoring in Europe* <http://www.cep-probation.org/reports.html> (viewed 10/6/2005)

## General research and practice reports relevant to home detention/curfew/electronic monitoring

Black, M & Smith, R 2003 *Electronic monitoring in the criminal justice system Trends & issues in crime and criminal justice no. 254* Australian Institute of Criminology, Canberra <http://www.aic.gov.au/publications/tandi2/tandi254.html> (viewed 30/5/2003)

Borzycki M 2005. *Interventions for prisoners returning to the community*. Canberra: Attorney-General's Department. [http://www.crimeprevention.gov.au/agd/WWW/rwpattach.nsf/VAP/\(CFD7369FCAE9B8F32F341DBE097801FF\)-6+April+2005+AG+intervention+final.pdf/\\$file/6+April+2005+AG+intervention+final.pdf](http://www.crimeprevention.gov.au/agd/WWW/rwpattach.nsf/VAP/(CFD7369FCAE9B8F32F341DBE097801FF)-6+April+2005+AG+intervention+final.pdf/$file/6+April+2005+AG+intervention+final.pdf) (viewed 11/5/2005)

Borzycki M & Baldry E 2003. Promoting integration: the provision of prisoner post-release services. *Trends & issues in crime and criminal justice* no 262. Canberra: Australian Institute of Criminology. <http://www.aic.gov.au/publications/tandi2/tandi262.html> (viewed 11/5/2005)

Conway, P 2003 Celebrating twenty years of electronic monitoring *Journal of Offender Monitoring, Summer/Fall 2003*, 5, 18-23

Home Office 2005 *New electronic monitoring contracts* Probation Circular 23/2005 <http://www.probation2000.com/pit/circulars/PC23%202005.pdf> (viewed 24/3/2005)

Iowa Legislative Services Agency Fiscal Services *Electronic Monitoring of Sex Offenders* <http://www.legis.state.ia.us/lsadocs/IssReview/2006/IRBAL000.PDF> (viewed 27/1/2006)

Kirkland, R & Gable, R 2004 *Electronic monitoring: positive intervention strategies* Federal Probation, 69(1)  
<http://www.uscourts.gov/fedprob/jun2005/intervention.html> (viewed 22/12/2005)

Leigh, J, Knaggs, P & McDowall, J 1988 *Home detention: The overseas experience* Appendix to Church & Dunstan op.cit.  
<http://www.justice.govt.nz/pubs/reports/1997/homedetention/appendix-1.html> (viewed 1/4/2005)

Lilly, R, Whitfield, D & Leve, R 2003 Electronic monitoring in Europe: momentum and caution *Journal of Offender Monitoring, Summer/Fall 2003*, 10-12

Maidment, M 2002 *Toward a "woman-centered" approach to community based corrections: a gendered analysis of electronic monitoring (EM) in Eastern Canada* Women and Criminal Justice 13(4) p.47-58

Martinovic, M 2002 *The punitiveness of electronically monitored community based programs*. Paper presented at the Probations and Community Corrections: making the community safer conference, Australian Institute of Criminology & Probation and Community Corrections Officers association, Perth 2003,  
<http://www.aic.gov.au/conferences/probation/martinovic.pdf> (viewed 3/5/2005)

National Law Enforcement and Corrections Technology Center 2001 *Making electronic supervision work* TechBeat, Fall 2002

National Probation Service 2005 *New electronic monitoring contracts* Probation Circular 23/2005 (including Information Protocol for Home Detention Curfew version 1.0) <http://www.probation2000.com/pit/circulars/PC23%202005.pdf>

Renzema, M 2004 *Electronic monitoring: what we do and don't know about its effects* <http://www.renzema.net/PRESENTS/JERRYLEE-FEB04web.pdf> (viewed 14/5 2005)

Renzema, M 2003 *Electronic monitoring's impact on reoffending*  
[http://www.aic.gov.au/campbellcj/reviews/electronic\\_monitoring\\_protocol.pdf](http://www.aic.gov.au/campbellcj/reviews/electronic_monitoring_protocol.pdf) (viewed 30/4/2005)

Renzema, M 2005 *Latest results from the Campbell Collaboration EM systematic review* Presentation, CEP Conference Current Developments in Electronic Monitoring <http://www.cep-probation.org/reports.html> (viewed 16/10/2005)

Task Force to Study Criminal Offender Monitoring by Global Positioning Systems 2005 *Final Report to the Governor and the General Assembly*  
[http://www.dpsc.state.md.us/publicinfo/publications/pdfs/GPS\\_Task\\_Force\\_Final\\_Report.pdf](http://www.dpsc.state.md.us/publicinfo/publications/pdfs/GPS_Task_Force_Final_Report.pdf) (viewed 27/1/2006)

## APPENDIX 4: Other jurisdictional documentation relevant to home detention reviewed

### NSW:

Dept. of Corrective Services *Intensive Supervision Training* manual, rev. February 2005: section 1 History of home detention in NSW

Dept. of Corrective Services *Home detention* website overview

NSW Dept. of Corrective Services *Annual report 2003-04*

Standing Committee on Law and Justice 2005 *Back end home detention* Report to NSW Parliament

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