



The prospect of contemporary home detention based sanctions in the global criminal justice arena

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Defining home detention based sanctions

- Current community based dispositions in which offenders are detained in their homes appear under a wide variety of potentially confusing titles.
- For the purpose of this paper all of these sanctions will collectively be classified under the umbrella of 'home detention based sanctions'.
- Whilst there is no generic home detention based sanction, there are certain core conditions common to most sanctions (Rackmill, 1994).

The birth and proliferation of HDBS

- ▶ Detaining offenders within the confines of their homes as a means of punishment and control is not a recent invention (Gibbs & King, 2003:1).
- ▶ Today, home detention based sanctions are defined as community based dispositions where detainees are strictly supervised whilst they are confined to their homes and a number of restrictions and obligations are imposed on them (Champion, 2008:88; Cromwell, Alarid & del Carmen 2005:178).

The birth and proliferation of HDBS

- The modern use of these sanctions, which utilises electronic monitoring as a tool, can be traced back to the early 1980s in the United States when this sanction became an actual sentence of the court in order to principally alleviate the growingly unsustainable cost of prison overcrowding (Enos, Holman & Carroll, 1999:71; Whitfield 1997:31; Doherty, 1995:129).

The birth and proliferation of HDBS

- Similar to the United States, other Western countries have also experienced burgeoning prison populations and prohibitive costs of building and sustaining prisons (O'Toole, 2002; Bonta, Rooney & Wallace-Capretta, 1999; Whitfield, 1997; Joutsen & Zvekic, 1994; Baumer & Mendelsohn, 1990).

Traditional issues that have prevented the uptake of HDBS

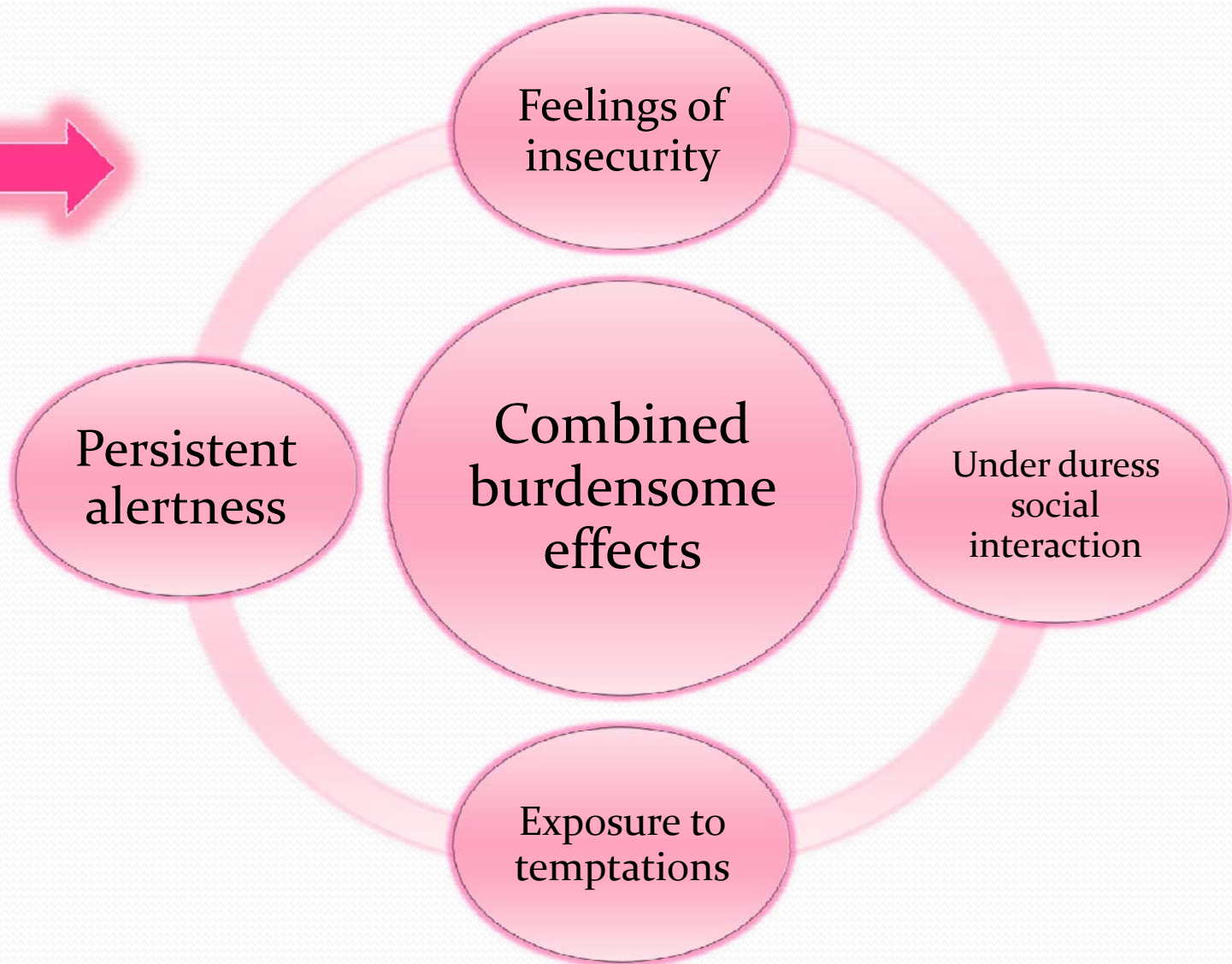
- The uptake of these sanctions has traditionally been relatively slow because of two reasons:
 1. Sanction's political feasibility was questioned – as it was difficult to portray the sanctions as 'tough and uncompromising'.
 2. It was difficult to persuade the public that there were minimal risks to the community.
 3. It rarely replaced an actual prison sentence even though it was set up as an alternative to incarceration (Clear, 2007:183).

The prospect of utilisation of HDBS in the global CJ arena

- There are 4 key reasons for the predicted increased utilisation of HDBS in the global CJ arena. These are:
 1. Numerous research has indicated that being on a HDBS is punitive and demanding (not necessarily less penalizing than incarceration).

The punitive effects of HDBS





The prospect of utilisation of HDBS in the global CJ arena

2. There are progressively cheaper, reliable and practical technological developments that are allowing the imposition and monitoring of diverse and restrictive conditions on detainees (Champion, 2008:90; Nellis, 2004:45-46; Welch, 2004:280).

The prospect of utilisation of HDBS in the global CJ arena

3. The fact that HDBS are versatile as they can be applied at various stages of the criminal justice process.

The prospect of utilisation of HDBS in the global CJ arena

4. A number of external factors/pressures are increasingly unsustainably drawing scarce government funding.

Recommendations

- Some recommendations for effective operation of HDBS are:
 - The community needs to be educated about the operation of HDBS so that they are more likely to accept the wider application of this sanction.
 - Legislative changes should be introduced that allow greater application of home detention based sanctions such as conditional ‘split sentencing’.
 - HDBS could be used to track some of the very serious criminals for life.

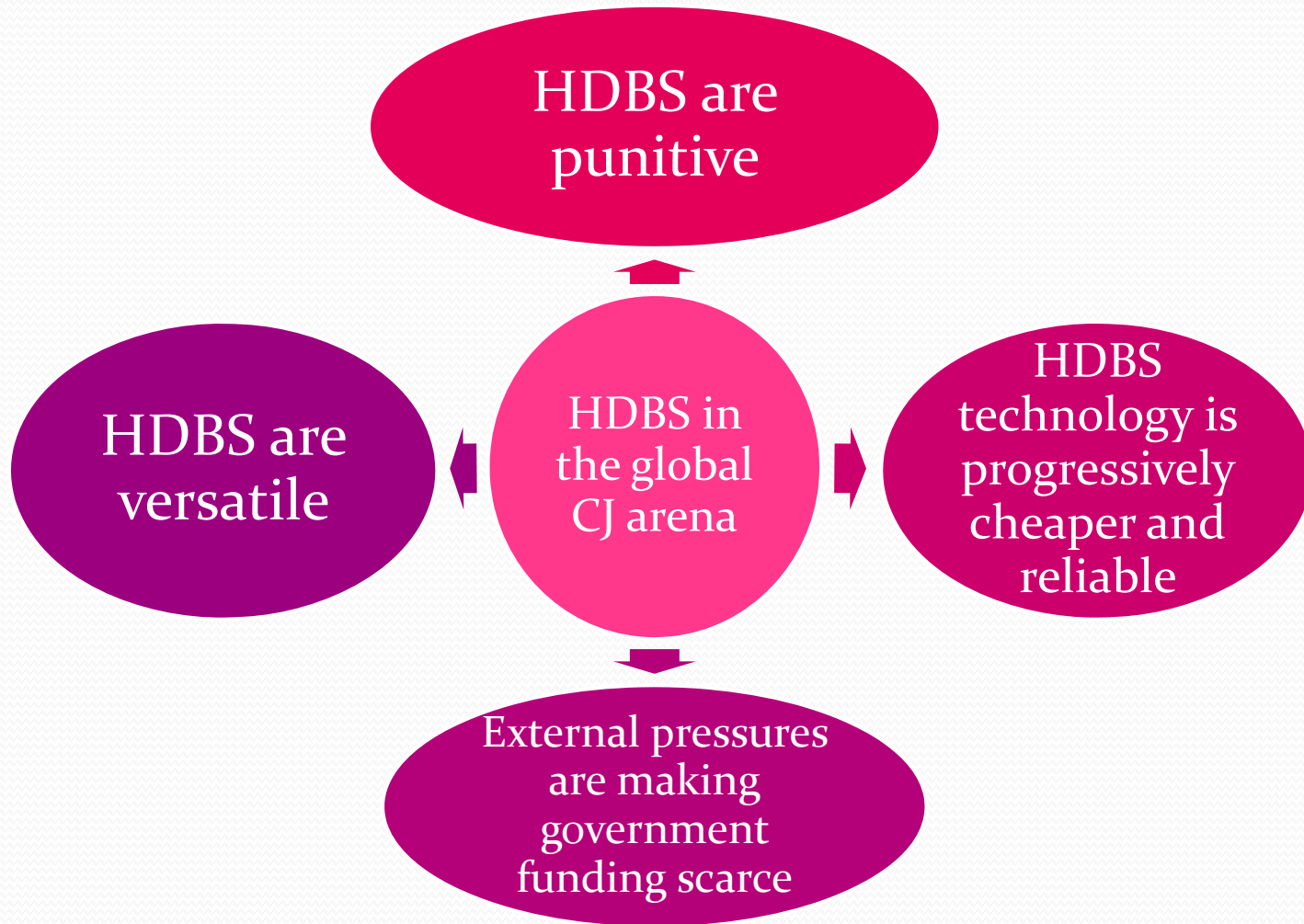
Recommendations

- HDBS should be utilized with crime prevention measures.
- HDBS should become more accessible to indigent offenders and those without adequate family support.
- In order to reward offender's good behaviour and co-resident cooperation, incentives and motivations need to be a part of HDBS.
- All technical violators should undertake a community-based reformative initiative called the Intensive Intervention Program' (IIP).

Recommendations

- HDBS 'absconders' should be treated very seriously.
- Better quality research should be conducted measuring the performance of HDBS on a long-term basis and more broadly (than just in terms of cost and recidivism).

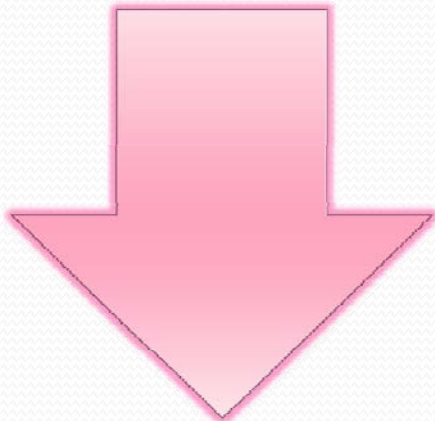
Conclusion



Conclusion



More
sentenced to
HDDBS



Less ending
up in prisons