

Copyright is owned by the Author of the thesis. Permission is given for a copy to be downloaded by an individual for the purpose of research and private study only. The thesis may not be reproduced elsewhere without the permission of the Author.

**Does this fit?**  
**A study of the perspectives of Home Detention Probation Officers.**

A thesis presented in partial fulfilment of the requirements for the degree of

**MASTER OF PHILOSOPHY**

**IN SOCIAL POLICY**

**Massey University, Palmerston North, New Zealand**

**Avril Eileen Ward**

**2007**

## ABSTRACT

The thesis is a qualitative study informed by Standpoint Theory (Smith, 1997) examining the perspectives of six Home Detention Probation Officers (HDPO's). In particular, the research explores the participants' perspective of two of the three major objectives of the Home Detention Order outlined in the Community Probation Service Operations Manual (CPSOM) Volume four. These are to: a) ensure that the criminogenic needs are met by the constructive use of programmes; and b) to ease the transition of inmates back into the community through a staged process of release by providing support and control structures. The research questions were focused on the 'fit' between the two objectives, the part the objectives and electronic monitoring play in guiding practice, and the combined impact of these on the everyday practice of HDPO's. The primary questions explored whether these objectives are working or achievable, what supports them and what barriers exist to their effective operations.

The findings of this research show that, while the stated objectives are achievable, the fit between the manual and everyday practice for the participants could be challenging due to high caseloads, management regime requirements and areas within the manual and policy that were considered sparse, effectively leaving HDPO's without clear guidelines or procedures. Programmes were considered vital to home detention but issues around rescheduling, entry criteria to programmes and availability of programmes caused concern.

Participants identified training areas such as working with families, combined with practice-based training would assist their practice delivery. They suggested that regular conference based trainings and meetings would inform policy and clarify practice issues, for instance in relation to after hours incidents.

Electronic monitoring was considered to be a major component of home detention, however equipment reliability and communication problems with the monitoring company created difficulties with effective management of home detention.

## Acknowledgements

Firstly I would like to thank the six Home Detention Probation Officers, Simon, Peta, Dana, Mary, Keith and Maria, who participated in this research. Also Linda Everson, Administration Officer, who contacted prospective participants and forwarded the names and contact details of participants to me.

I will be forever grateful to the un-stoppable support I have received from my friends during this research. Special thanks to Angela Jury who often placed her own research aside to assist me. Also Jude Marshall for proof reading and Julie Collins for walking and listening.

My supervisors, Dr Martin Sullivan and Kieran O'Donoghue. This project would not have been completed if not for their guidance and support. I would also like to thank Dr Martin Tollich who supervised my first year of research.

I would like to thank Dr. Tracie Mafle'o for extensive peer and critique review prior to submission.

Thanks also to The Department of Corrections who provided financial assistance and permission to contact participants.

The Massey University Human Ethics Committee approved this research on the 25<sup>th</sup> of July 2005. Approval 04/117.

**TABLE OF CONTENTS**

ABSTRACT	i
ACKNOWLEDGEMENTS	ii
TABLE OF CONTENTS	iii
DISCLAIMER	iv
INTRODUCTION	1
CHAPTER ONE THE DEVELOPMENT OF PUNISHMENT AND HOME DETENTION	9
CHAPTER TWO LITERATURE REVIEW	24
CHAPTER THREE METHODOLOGY	49
CHAPTER FOUR PARTICIPANTS PERSPECTIVES AND EXPERIENCES	67
CHAPTER FIVE SUPERVISION, PROGRAMMES AND ELECTRONIC MONITORING	84
CHAPTER SIX CONCLUSION	103
APPENDIX ONE: Consent form	118
APPENDIX TWO: Information sheet	119
APPENDIX THREE: Semi-structured interview guide	122
APPENDIX FOUR: Ethics proposal	125
BIBLIOGRAPHY	139

**Disclaimer**

The Department of Corrections has assisted the author by providing access to participants, financial assistance and paid study leave for this research. The opinions expressed in this research, material selected, information presented and conclusions expressed are those of the author and are not intended to represent the position of the Department of Corrections.

# Introduction

## What is Home Detention?

Home Detention within the New Zealand criminal justice system is an order imposed upon a specific group of people who have been sentenced to a determinate term of imprisonment. The New Zealand Parole Board has then granted that they serve all, or a proportion of their term of imprisonment time by way of home detention. Once an offender is granted home detention the offender becomes known as a detainee. Home Detention is a legal sanction under the legislative guidance of the 2002 Sentencing Act and Parole Act 2002, and comprises two components, electronic monitoring (EM) and intensive supervision. Electronic monitoring is imposed to control and limit the physical actions of the detainee in order to ensure compliance with a set of restrictions, or maintain obedience to a set of rules. Intensive Supervision is a rehabilitative measure imposed in an attempt to alter the offending behaviour of the individual. Intensive supervision can comprise intervention by the supervising home detention probation officer and/or others through the delivery of rehabilitative measures such as criminogenic programmes or anger management counselling.

## Background to research

Before expanding upon the objectives of this thesis, it is necessary to provide some background information to this research. The study was completed over a three-year period. Over this period of time, during which interviews were conducted and data analysed, changes in Community Probation Department policy occurred. The original focus of this study, in early 2004, was to research the three objectives as stated in the, then current, Home Detention Manual – Community Probation Service Operations Manual (hereafter known as the CPSOM), Volume Four. This manual was a separate document detailing the processes required to manage the sentence of Home Detention. The objectives stated in that manual were to

- ensure that criminogenic needs are met by constructive use of programs
- ease the transition of inmates back into the community through a staged process of release, by providing support and control structures

- to minimise the length of incarceration for those eligible for Home Detention (CPSOM, Volume Four, p. 2-1).

As of 2006, when the field data for this thesis was being analysed, the requirements of the Home Detention Order had become integrated into a general sentence management manual – Operations Manual Sentence Management (hereafter known as the OMSM) Volume 2. Therefore, a separate manual for Home Detention no longer exists. The OMSM Volume 2 is now used to provide information applicable to both Home Detention and the management of other sentences such as Parole and Release on Conditions. The inclusion of the Home Detention material in a general manual has meant that the objectives specifically stated in the CPSOM, Volume four, and used as a base for this research, are no longer specifically stated in the manual currently used for the management of Home Detention. However, the essence or intentions of the original objectives remain, having been reworked into three sentence management domains of the OMSM, which I would argue have the same intention as the original objectives stated in the CPSOM, Volume 4. The three domains in the OMSM are rehabilitation, reintegration, and report and comply. These form the criteria by which Home Detention is currently managed. I will now present my argument, by explaining which sections of the OMSM, Volume 2 contain the original intended objectives from the CPSOM, Volume 4.

The Rehabilitation sentence management domain of the OMSM directly addresses the risk factors that research has identified as having a causal link to reoffending, and offender or criminogenic needs. The Reintegration sentence management domain focuses on addressing identified obstacles to achieving an offence free lifestyle whilst on a sentence of Home Detention, such as gaining employment or skills for basic living. The Report and Comply sentence management domain ensures that the requirements within a sentence management regime are clear and that all statutory and special conditions within a sentence order are met (OMSM Volume 2 p. 1-5).

## Rehabilitation

Under rehabilitation sentence management, the type of intervention that an offender will be subject to whilst on a sentence is determined by allocation to a model of practice or intervention. According to this allocation system a compliance regime is the lowest level of intervention, while Direct Practice 2 (DP2) constitutes the highest level of intervention. For those sentenced to Home Detention, there is an automatic allocation to Direct Practice 2 (DP2) regime. The objective of this regime is to deliver an

intensive approach to address responsivity and criminogenic needs (OMSM Volume 2, p. 1-5 1-6).

This is primarily achieved by the use of programs such as the Criminogenic, Structured Individual, Straight Thinking or Culturally Specific (Tikanga Maori) Programmes. There is also allowance for programmes provided outside of the corrections department, such as Anger Management Programmes (OMSM Volume 2 p. 1-5). Therefore, the objective stated in the CPSOM Manual, Volume four, p. 2-1,

to ensure that criminogenic needs are met by the constructive use of programs

is covered by the DP2 criteria content described above, under the rehabilitative domain of sentence management.

## Reintegration

The objective stated in the CPSOM, Volume four, p. 2-1 to

ease the transition of inmates back into the community through a staged process of release, by providing support and control structures

is contained in the Reintegration Domain - addressing identified obstacles to achieving an offence free lifestyle such as employment skills, and by assisting detainees to identify and manage risks that contribute to reoffending (OMSM Volume 2 p. 1-5). Control structures operate from three

points of reference. These are electronic monitoring (EM) phases and management regimes (MR). There are three management regimes (MR), which determine the minimum number of contacts between a detainee and supervising probation officer. The amount of contact is determined by the risk factors for reoffending and gradually reduces as a function of the amount of time a detainee has spent on home detention. These management regimes are known as MR1, MR2 and MR3. The exception to this is if an offender has victims currently on the victim notification register, has current or previous sexual offending, is named on the offender warning register, or is a pre-parole detainee, in which case there is an automatic allocation to the highest management regime of MR3 (OMSM Volume 2 p. 3-4). The use of phases as a support and control measure is decided as a component of the length of the detainees Home Detention Order (OMSM p. 2A-4). Phase one applies to the first half of the sentence order, phase two the third quarter and phase three the last quarter (OMSM p. 2A-6). The difference between phases relates to the activities the detainee is eligible to engage in. While on phase one, if approval is granted, detainees are allowed to attend employment, church, community work, grocery shop if a sole occupant, medical and restorative justice activities. However, from phase two the detainee is eligible to apply for recreation leave to engage in approved recreational activities. During phase three the amount of recreational activity time is increased. Electronic monitoring as a support and control structure is a constant condition throughout the management of the order. I argue that the objective to

ease the transition of inmates back into the community through a staged process of release, by providing support and control structures

is therefore contained within in the Reintegration Domain.

### **Report and comply**

The report and comply domain is not covered in any depth within this thesis as it is considered the requirements of this domain which are,

clear statements of what we provide within each sentence category to meet minimum requirements (OMSM, Volume 2 p 1-4)

Is contained within the domains of rehabilitation and reintegration.

### **Minimising incarceration**

The final objective from the original manual is to

minimise the length of incarceration for those eligible for Home Detention (CPSOM, Volume Four, p. 2-1).

As this is no longer included in the OMSM, this objective will be covered with a brief discussion using information drawn from Gibbs and King (2001) and also that provided by Kerry Te Nana, Senior Advisor to the New Zealand Parole Board (personal communication 20 July 2006). Gibbs and King note that the numbers of offenders granted home detention are low. Exactly why this is so is unknown, but could possibly be attributed to the New Zealand Parole Board, who were, at the time of this research in 2001, "erring on the side of caution" (Gibbs and King 2003b p. 200). Gibbs and King go on to cite Spier (2002 in Gibbs and King 2004 p. 58) who note that only 10% of those who are eligible to apply in New Zealand are granted home detention, compared with the 10 to 30% approval rate in Australia, United States and the United Kingdom (Gibbs and King 2004 p. 60). As less than 25% of those who appear before the Parole Board have their applications approved, Gibbs and King concluded that under-utilisation of the sentence means there is little evidence to support the argument that home detention with electronic monitoring provides an effective solution to increasing prison populations. They add to this the observation that prison populations are increasing by 5% each year and therefore question the viability of home detention as a sentencing option (Gibbs and King 2001,2004). This suggests that, if these statistics are

correct, the objective of minimising the length of incarceration for those eligible for Home Detention is not being achieved.

However, if this objective is instead viewed by looking at those who do apply for home detention, current figures supplied by Te Nana (Personal communication 20 July 2006) show more promising results. Te Nana supplied statistics that showed 11368 offenders applied for home detention from 2002 to 2006, with 5985 applications approved. This indicates that approximately 50% of those who apply have been granted home detention. These results suggest a far more significant impact on the objective of minimising the length of incarceration for those eligible to apply for home detention.

### **Research Objectives**

The objectives of this study are to explore electronic monitoring, in particular how the two practice objectives stated in the Home Detention Manual - CPSOM, Volume Four, subsequently reconstituted in the OMSM Volume 2;

- 'fit' within the everyday practice of the Home Detention Probation Officer;
- guide the Home Detention Probation Officers' practices; and
- impact on Home Detention Probations Officers practices.

It is hoped that results from this research may assist both those responsible for administering Home Detention and those who construct policies relating to Home Detention, by providing information concerning:

- whether these objectives are achievable;
- what supports Probation Officers to achieve the objectives; and
- what hinders Probation Officers from achieving these objectives.

## **Researcher's Interest in the Topic**

My interest in this topic arises from my personal belief that, if imprisonment was an effective rehabilitative strategy, this should be demonstrated by a reduction in reoffending, given that prison populations continue to increase. The Home Detention Order represents three options for offenders: an alternative to imprisonment; an opportunity for rehabilitative measures, and a supporting structure for offenders to reintegrate into the community. I have been influenced by my experience as a Probation Officer which has led me to believe that, should a person be truly motivated to change, rehabilitative and reintegrative measures can provide an effective and inexpensive exercise, both fiscally and socially, for the long-term benefit of the community.

## **Thesis Structure**

Chapter one is a historical account of the development of punishment according to four phases of punishment theory as described by Ball, Huff and Lilly (1988). This chapter discusses the development of punishment from being an arbitrary practice influenced by custom, with custom being replaced by policy that used the offender's body for public spectacle and then financial gain. This is followed by an explanation of how public opinion and the reformation focused on rehabilitation of the offender, which Ball et al propose, led to the third phase of punishment from which the final phase, home detention, developed. The section will conclude with an account of the development of punishment within the New Zealand content.

Chapter two outlines the development of the New Zealand Probation Service and the policy development that preceded the implementation of Home Detention in New Zealand. This is followed by a discussion of the Sentencing and Parole Act 2002, which currently provides the legal framework from which home detention is administered. Following from this is a discussion on supervision as a complementary component to home detention. An account of the history of electronic monitoring, the rationale for its use, home detention eligibility criteria, participant perspectives of home detention and electronic monitoring, and the impact these may have on sponsors and families, concludes this chapter.

Chapter three outlines the theory, standpoint theory, chosen for this thesis and how this theory influences the choice of methodology and research design.

Chapter four is the first of two chapters presenting the research findings. This chapter contains information regarding participant background information, training and philosophy. Also discussed are the participants' perspectives of their philosophy and what they see as the purpose of home detention. Following this is the participants' understandings of how they view the 2002 Parole and 2002 Sentencing Acts, and how this 'fits' with their particular viewpoints. This chapter concludes with a summary of the major themes emerging from findings to this point.

Chapter five outlines the participants' experiences of administering the Home Detention Order. Included in this section are their perspectives around the impact of supervision and programmes. This is followed by the participants' perspectives in relation to electronic monitoring equipment and processes. The chapter concludes with a summary of research findings.

The final chapter, chapter six presents an overview of the thesis, acknowledges the limitations of this research, presents the key findings, identifies the implications of these, presents the recommendations arising from this study and offers some concluding thoughts.

# CHAPTER ONE

## The Development of Punishment and Home Detention

The following chapter is a historical account of the development of punishment from a western Anglo-Saxon perspective and concludes with a discussion of punishment within a New Zealand context. According to Ball, Huff and Lilly (1988) punishment is now in its fourth stage of evolution having moved from an arbitrary practice to a state controlled practice.

It can be said that humankind has moved at an ever-increasing rate into a culture assisted by information technology, in that telephone networks and computers and a wide range of electronic equipment now exist to ensure obedience to judicial sanctions. However, for any kind of punishment to be accepted by a society, some kind of legislative mandate or policy must be put in place to allow these developments the power they require to both exist and be implemented.

One purpose of this chapter is to provide a historical background to punishment and explanation of how Home Detention developed as a form of punishment. Another purpose is to illustrate the role of policy within these developments of sanctioned punishment. It is argued that home detention is a contemporary manifestation of punishment. It has incorporated the use of available technology to assist in the quest for compliance to legal sanctions imposed on individuals and is also a response to the economic conditions and policy of the time. This proposal is drawn primarily from Ball, Huff and Lilly's (1988) four phases of punishment theory, with additional contextual material by Spierenberg (1984) and Newman (1978). While it is acknowledged that many types of punishments exist, the concept of punishment explored here relates to the topic of this thesis, that is, the management of those considered criminal offenders.

## **Development of punishment – private vengeance, custom and formation of social policy**

Newman posits that the primary function of punishment is to ensure obedience, arguing that "obedience has remained the oldest and predominant function of punishment throughout history" (Newman 1978, p. 6). Newman proposes that a punishment ethos or policy developed, alongside the organisation of people within society. Early humankind believed that they were both part of nature and controlled by supernatural forces, with punishment expressed to them in the form of "natural disasters and a harsh environment" (Newman 1978, p. 14).

Newman (1978) argues that during the course of evolution humankind began to think teleologically about their natural world in order to explain the occurrence of disasters. Newman explains teleological thinking by describing how humankind, while engaging in competition for resources, began to look back at past experiences and results to plan for anticipated outcomes. When disorder or mishap struck, belief structures were developed to provide meaning to the event. It is from this desire to provide meaning and through attempts to pacify these forces or rectify transgressions that policies or practices to avert disasters developed.

As beliefs existed that the supernatural could both create good and do harm, practices of worship or appeasement to supernatural or religious entities developed to reduce the likelihood of retribution or punishment from the unseen entity. Newman reiterates Durkheim's statement that one component of punishment is that it reinforces the behaviour and solidarity of the group. Therefore groups developed rituals and rights in an effort to consolidate and reinforce societal obedience to norms within that society and maintain obedience in order to avoid calamities (Newman 1978).

Newman (1978) is supported by Spierenberg (1984) who argues that forms of punishment or repression arise from what is considered acceptable or unacceptable within a particular society at any given time. Changes in forms of punishment and human organisation are described as states of "mentalities" within human organisation, in that "repression advocated or tolerated in a society is an indication of the psychic make-up of its members" (Spierenburg 1984 p. 200). Religious beliefs concerning the sacred and profane formed early humankind's reality and formed the foundational

structure of what were considered suitable responses to ensure obedience and repression. Once accepted and practised by a group, these responses became the policy of that time, with accepted policy remaining relatively stable for most civilisations until the middle ages.

### **Development of phase one of punishment – religious authority and custom**

The middle ages is a time described by Ball et al., (1988) as one when populations were relatively stable. Apart from the clergy and nobility, wealth was evenly distributed and those who transgressed rules or laws were not excluded from society. Penance for violating social conditions – either physical or economic - were aligned to religious faith, with punishment a symbolic ritual that allowed the offender to regain place and face within society. Social policy was practiced through custom, as opposed to written law, with penalties ranging from fines to private vengeance. Fines were the most common form of settling disputes, viewed as indemnities and most commonly used as an agreement to buy off retaliation and therefore reducing private vengeance. Private vengeance was considered the most extreme manifestation of retribution, whereby individuals settled their own disputes with physical violence (Ball et al., 1988).

Spierenburg (1984) suggests that two changes occurred that produced changes in both human organisation and the manner in which resolutions were reached. The first of these was a change in the organisation of the hierarchical structure of the feudal system. Previously groups within society were somewhat comparable, however structural change produced groups who were no longer as relatively equal as they had been. As time progressed change within the feudal system became more defined, with stricter control and tighter linear relationships between the 'lower working classes' and those in power. This in turn brought about the second change involving the manner through which conflict resolution was reached, introducing the inquisitory mode of trial to replace the accusatory trial.

Until the 13<sup>th</sup> Century the predominant mode of trial conducted was the accusatory trial. This was held in public, authorities acted as bystanders and the evidence presented was heavily in favour of the accused, with the desired outcome being a preservation of equality between the two parties (Spierenburg 1984). From the 13<sup>th</sup> Century an inquisitorial mode of trial developed which focused on the condemning of the accused, with power favouring the inquisitor. The administration of

punishment by territorial rulers on those who had not personally wronged them, or those they were not personally responsible for, produced a change in the attitude or mentality towards punishment. This process consolidated another set of changes in which a stronger distinction between civil and criminal transgressions was created. An emphasis on crime and its subsequent impact on the community took precedence over any "criminal personality and intricacies of guilt" (Spierenburg 1984 p. 6), with the subordinate at the mercy of the ruler. While religious overtones still prevailed, secular domination overruled religious influence resulting in religious authorities increasingly becoming bystanders to the developing system (Spierenburg 1984). This change in societal organisation and mentalities resulted in policy shifts around how punishment should be practised in order to reinforce the objectives of those in power.

Spierenburg (1984 p. 55) explains that "when medieval rulers expropriated private vengeance and replaced it [by what they saw as] criminal justice, they were drawn into display". This had a double function, one a show of consequence for breaking a law, and the other a demonstration of who was upholding that law. Spierenburg further explains that as the formation of states was unstable and new, many authorities relied on personal prestige and status for adherence to authority, with a rationale that the more violence inflicted the more authority was being exercised (Spierenburg 1984).

According to Ball et al., (1988), the first phase of punishment was one in which religious authority was most dominant. This phase concluded with the emergence of a capitalistic economic order with expanding populations settling available land, crowded living, unemployment, low wages, and secular order firmly replacing religious authority and with beggars and thieves commonplace. The domination of secular rule over religious penance produced punishment that was differentiated from religious authority and was more in line with legal sanctions than religious appeasement. This shift in dominant authority from religious to secular, alongside changing economic conditions produced altered practices and policies to reflect and uphold changes. A situation was produced whereby the physical bodies of offenders unable to meet the obligations of a fine became increasingly used as payment for the offence. This shift of punishment to the physical body and away from religious control is, according to Ball et al., the second phase of punishment.

## **Second phase of punishment - secular authority and the body**

A shift in focus towards the physical body as a source of retribution occurred with punishments becoming increasingly gruesome and the number of transgressions or list of 'crimes' growing. Ball et al., (1988) state that authorities in late 15<sup>th</sup> century England enforced 17 capital offences, with these mostly religious in nature. By 1780 this had increased to 350 capital offences, with most focused on crimes against property. Forms of punishment up to the 1800s had increasingly become a public event, focused on the body of the offender, with those executing the punishment – the executioner - carrying out a number of procedures that appear to have had the objective of inflicting as much pain as was needed to bring the offender and or witness to confession or remorse for the crime committed (Bozovic 1975, Foucault 1977, Ball et al., 1988) regardless of actual guilt. The object of this exercise appears to have been to demonstrate the consequences of nonconformity and to extract retribution for the crime using mediums of pain, dismemberment and public spectacle, with no thought to the effect upon the condemned. As punishment was a function of the 'mentalities' of the governing authority, policies on the means of delivering punishment reinforced these practices. However, changing dynamics in economic forces were about to have a profound effect upon those forms of punishment.

## **Third phase of punishment – rehabilitation of the offender**

The third phase of punishment is seen by Ball et al., (1988) to have occurred when the focus of holding someone accountable for a transgression was removed from the explicit extraction of retribution from the offender's body, to early attempts to rehabilitate the offender to a productive member of society. Ball et al propose that this occurred due to factors such as overseas economic developments, ability to alter one's life position, identification with the offender, urban sprawl, Quaker influence, and the ideas of philosophers such as Bentham that behaviour could be altered.

By the end of the middle ages, plague and war had drastically reduced populations thus producing a labour shortage which threatened the expansion of trade to areas outside Europe. While extreme physical punishments were still popular, a humanitarian approach that involved labour and religious instruction emerged with the purpose of producing a 'work ethic'. For example the object of the Calvinists in the Netherlands was to produce a work ethic and to transform "rural peasants and

urban rabble" into a "willing workforce", using the concepts of discipline and time management (Ball et al., 1988 p. 23).

### ***Transportation of offenders***

During the 15<sup>th</sup> and 16<sup>th</sup> century, England was attempting to develop new markets with the exploitation of raw materials. To continue with this development, settlements in North America needed to be established. However, despite various inducements to the general public, interest in participation in the settlement processes was not high. To solve this, in 1597 England authorised the transportation of convicted offenders to specific areas to resolve workforce shortages. This proved so successful that in 1791 all offenders sentenced to three or more years of incarceration were also transported, with France also following this concept to meet their own economic requirements. The practice of mass transportation to North America continued until the revolution, when colonists discovered that African slaves were easier to control and exploit than their own countrymen and women. However, transportation of offenders did not discontinue altogether. For instance, British offenders were often transported to specific colonies within Australia, where their sentence could be purchased by settlers in Australia, with offenders "bonded" to their purchasers until such time as they were eligible for a "ticket of leave" (Ball et al., 1988 p. 24). While it can be argued that transportation was not rehabilitation, it does indicate that the offender was now considered to be of 'value' and not only as a criminal. This change in thinking was also influenced by the French, American and Industrial revolutions.

### ***Psychological shift***

Newman (1978) argues that major changes in the thinking and psychological barriers to the administration and justification of punishment can be seen to have been brought about by these revolutions. Newman suggests that the "psychological barrier of the feudal age" was lifted by unrest in Ireland, Holland, Belgium and Liege, challenging existing policy and structure, with the resulting impact being momentous (Hobsbawn 1962 p. 74). An appreciation of the lower classes' ability to successfully challenge the existing hierarchy forced a new appreciation of the oppression, repression and conditions within which they lived. As those considered lower class became able to materially and economically improve their previously ordained, lifelong positions within society

(Newman 1978), new voices were emerging and challenging conditions formerly conformed to, including the acceptance of punishment as a public spectacle.

### ***Identification with the condemned***

Spierenberg (1984) notes that confidence in the purpose of public executions reduced during the enlightenment era when identification with the condemned began to occur. This resulted in a quest for legal and penal reform, with houses of correction and the emergence of the penitentiary and solitary confinement being developed. While personal identification with the condemned had been noted from as early as 1500s, views of the condemned were now emerging within a more human framework, with spectators from differing classes now identifying with the ordeal offenders were going through. One result of this was the development of correction houses established to accommodate those considered "too young" for execution or torture (Spierenberg 1984 p. 185). Acts that had once been accepted without comment, or seen as part of the show, were no longer tolerated in the same way. For example, mistakes at executions became seen as cruelty to the condemned, as opposed to merely lack of executioner skill. The result of this change in the way in which the offenders punishment was carried out resulted in gallows being moved to outside of town walls or not permanently displayed. The exposure of corpses as a deterrent ceased in the early 1800s, as did public anatomical lessons or autopsies. These changes in attitude also saw torture being abolished in most Western European states between the mid to late 1700s. Branding was abolished in England in 1779 and the last public execution occurred on the 26<sup>th</sup> of May 1868 (Spierenberg 1984). While this tends to suggest that the offender was now considered to be due some dignity and privacy whilst being punished, Spierenberg suggests bureaucracy was also a dominating factor.

### ***Imprisonment as a preferred option***

Spierenberg (1984) suggests that the continuing change in mentalities and policy on physically punishing the body of the offender can also be attributed to urban sprawl and integration of geographical areas. The increasing participation of various social groups produced stability of the power within states, giving birth to bureaucracy. This was a more impersonal process, no longer requiring a visible form of repression and thus, making public execution unnecessary.

Imprisonment, although not perfect, became a preferred option in most cases. However, while imprisonment may have appeared a better option to death, conditions within prisons were not ideal.

Both Hobsbawm and Newman note that the appalling conditions within penal institutions and associated practices in them were factors that motivated reform (Hobsbawm 1962, Newman 1978). Liberals such as Bentham and Beccaria advocated for a Utilitarian, humanitarian approach (Newman 1978) and were influenced by other reformers such as the Quakers.

The development of prisons as a popular method of punishment has conventionally been attributed to this Quaker humanitarianism. Quakers, however, were also influenced by reformers such as Bentham and believed in freedom of speech and would not actively show subordination to most forms or positions of power. They were seen to undermine dominant authorities by being outspoken in their concern for the disadvantaged, slaves, prisoners and inmates of asylums and persistently challenged the current practice and policy. The Quakers' campaign for corporal punishment to be replaced with hard labour and the proposal that the death penalty only be used when murder was premeditated only made them more unpopular with dominant authorities. This lack of conformity to the dominant groups resulted in the Quakers themselves being punished. Many were imprisoned, executed or deported to America, where they continued their resistance and humanitarian pursuits, establishing the first abolition of slavery movement in 1688 and subsequently developing the underground railroad (Newman 1978, Ball et al., 1988, Robinson 2004, Zavitz 1995).

### ***The emergence of rehabilitation within prisons***

Bentham, influential to Quaker philosophy, and Beccaria were two people who proposed a philosophy and rationale for crime, punishment and the rehabilitation of offenders for the overall good of society. These men were also introducing ideas around the proportionality of punishment to offence type, reparation to society and the addressing of deviant behaviours. Bozovic (1995) states that Bentham believed that the typical public displays of punishment of that time, for instance executions, did not provide a sense of satisfaction or reparation for the crime committed. He made this proposal in the hope of influencing the policy makers of the time so that their theory could then be put into practice. Bentham proposed that mankind is governed by the pursuit of

pleasure and avoidance of pain. Therefore, he argued that society should be organised on the principle of the greatest pleasure or happiness for the greatest number of people, and criminal law should measure punishment by the injury that had been inflicted on society. In short Bentham believed that the present systems of punishment did nothing to correct or undo the damage the crime had inflicted on either the victim or the offender. What was required was a model promoting obedience so that the criminal's deviant behaviour was addressed and the next person thinking of committing a crime would be deterred. Beccaria, a like minded theorist, advocated that there should be a link between the crime and the penalty, a limit should be placed on the most severe punishment, there should be proportionality between penalties and the basis for proportioning punishment should be based on injury to society (Newman 1978, Bozovic 1975, Dinwiddy 1989).

Bentham proposed to control the behaviour of the inhabitants of institutions such as prisons by creating a situation whereby the inhabitants would never know when they were being viewed (Bozovic 1975, Dinwiddy 1989). This concept was known as the 'Panopticon Effect' and was considered an early rehabilitative form of intervention theory, as opposed to an enforcement action that was solely for punishment.

The panopticon effect relies on both reality and fiction to regulate a person's behaviour. Its success relies on the individual being excluded from others (Foucault 1975) but also in instilling in them the belief that they may be under observation at any time. To achieve this Bentham proposed a purpose built prison: a circular building surrounding a central tower. The circumference of the building is made up of cells excluding offenders from communication with each other. Offenders cannot see inside the tower but those inside the tower can see every space they occupy and every movement made (Bozovic 1975).

Foucault suggests that the panopticon concept produces a linear concentration of knowledge or power in that the observed cannot predict when the observer will be watching. The power principle is maintained by a formula that relies on the central tower of the prison being visible whilst the gaze from within the tower is unseen, and thus unverifiable. Foucault (1975, p. 201) explains that the prisoner will be able to see the tower at all times, therefore, "the inmate will constantly have before his eyes the tall outline of the central tower from which he is spied upon". The observer must

always be unverifiable and "the inmate must never know whether he is being looked at any one moment, but he must be sure that he may always be so" (Foucault 1975, p. 201). The objective of the panopticon effect was that the observed incarcerated person would learn to regulate his/her behaviour so as not to incur punishment whether they were being observed or not. This, it was argued, would become ingrained in the person's psyche, and would continue to influence their behaviour upon release from the institution.

The concept of this type of imprisonment was that inmates would reflect upon their misdeeds and become productive members of society due to being able to discover the error of their ways through a process of self reflection. Although it is highly debatable whether this type of incarceration could be effective, imprisonment had by then become the most common form of preferred punishment in western society and rehabilitation back into society was being considered a function of incarceration.

### ***Increases in prison numbers***

Ball et al., (1988) states that imprisonment of offenders was the most widely used form of punishment in Western Europe, Britain and America. For instance, between 1900 and 1935 imprisonment numbers grew by 140% within the United States. They argue that this was primarily due to inmate labour being essentially free, making most prisons economically viable operations as they were organised into financially productive forces, much as the work ethic ethos proposed by the Calvinists. However, in America when the prison as an economic force was challenged for having an unfair advantage over those businesses employing non-incarcerated workers, the United States Congress passed legislation that placed incarcerated and non-incarcerated labour under the same restrictions. While this was a positive move for Unions, the resulting decline in activity within prisons produced unrest (Ball et al 1988). Some thirty years on during the Civil Rights Movement of the 1960s, while idleness remained, prisoners had become organised and brought their grievances to public attention. Public exposure of grievances resulted in "education programs, work release and home furlough" being implemented. (Ball et al., 1988, p. 32).

During the 1960s and 1970s in America saw increases in offending, offenders receiving longer sentences and fewer prisoners being granted parole. This further contributed to overcrowding in prisons resulting in prison populations growing from approximately 300,000 incarcerated persons in 1977 to over 540,000 in 1988 (Ball et al., 1988). More recently, Coyle (2002) reports that two million persons were incarcerated in America in 2002. However, increasing prison numbers is not a phenomenon specific to the United States. Canada's prison population in 1985 (12,755 persons) was nearly double that of 1961 (7,156 persons) (Coyle 2002, Rondinelli 1997), while New Zealand's prison population has nearly doubled from 1985 to 1999. A report from the 2000 New Zealand census stated that 4,918 sentenced inmates were currently serving custodial sentences (Department of Corrections 2001). However, the 7,200 inmates estimated for August/September 2005 had in fact reached 7,500 by October of that year (Department of Corrections 2005).

As imprisonment numbers throughout the Western world continue to increase, it has been considered a major challenge to find alternatives to incarceration (Whitfield 2001). Combined with the overcrowding issue, increasing concern has arisen that imprisonment is not always considered the best option for some offenders (Lilly and Ball 1992). Ball et al., (1988) suggests that there are two alternatives to a situation whereby the cost of both accommodating and constructing prisons continually increases; these being to build more prisons or find viable alternatives. The emergence of the prison can be seen to be a humanitarian response to punishment. However with the expanding populations within prisons, alternatives that are seen to punish and rehabilitate, without compromising public safety, are increasingly sought.

#### **Fourth phase of punishment – home detention**

Ball et al propose that North America entered the fourth phase of punishment as a response to the cost of accommodating prisoners and constructing new prisons. While halfway homes, diversion programmes and community service were available, a new initiative in which the home became a place of confinement was introduced to provide both incarceration and rehabilitation. It is argued

that from a desire to seek alternatives to incarceration, Home Detention with electronic monitoring (EM), has developed as a legal sanction (Ball et al., 1988).

Home detention/incarceration consisting of electronic monitoring and supervision is increasingly being considered one option to reducing prison populations (Bonta, Wallace-Capretta, Rooney 2000, Crawford 2004, Dodgson, Goodwin, Howard, Llewellyn-Thomas, Russell 2001) and providing rehabilitation for those who offend. The Western World is considered to now be in a fourth phase of punishment by Ball et al., (1988), a phase centred around home detention and enabled by technological advances.

### **Punishment within a New Zealand context**

While this chapter has dealt with the development of punishment from a western Anglo-Saxon worldview, New Zealand's history of punishment has generally excluded the explicit use of the body of the offender as a means of control. Prior to the European influence the justice system in New Zealand was one of customary law and unwritten policy pertaining to utu and muru. The arrival of the European imposed the third phase of punishment, transportation and incarceration.

The process of utu and muru governed traditional Maori societies. Hill (1986 p. 30) describes Maori society as a "democracy limited by a certain amount of patriarchal influence" in that the chiefs and religious elders "controlled the behaviours within tribes and sub-tribes through suasion of the mind or physical coercion". Utu was a major component of Maori customary law (Hill 1986) and was used to uphold economic, social, legal and political balance by way of a reciprocity policy based on the obligations between groups, individuals and the natural world (Ministry of Justice 2001a). Harmony and balance was achieved through exchange, combined by the concepts of status or mana, to enhance the prestige or social standing of a group. For example, utu could be extracted or expected when another had transgressed a sacred or tapu area, committed adultery, as revenge for past defeats in war, encroachment on territory, murder or harsh treatment between spouses. Utu could also be employed for non-hostile reasons, such as to consolidate relations between groups, and involved the giving and receiving of goods or services. A delicate balance was required, as to give or take in excess so that the receiver was unable to reciprocate or the giver was left in

debt was seen as adding further insult. The giving of utu is thus an expression of how the giver perceives the mana of the receiver. To give too little is offensive. If one group considered that utu was appropriate and utu was not received, the offended group would extract utu to restore balance and mana. Utu is a practice that does not have strict timeframes and was not always applied or responded to immediately. Generations could pass with the outstanding credit and debits kept in the minds of the kaumatua or elders. To fail to give or receive or act in accordance with utu had the effect of reducing the mana of both the giver and the receiver (Ministry of Justice 2001a).

Muru is a component of utu that has a similar purpose of seeking justice but does not contain the component of continuous reciprocity. Muru is performed to return the victim to their original status. In muru the transgressor accepts that the violation has occurred, takes on the associated blame, agrees to the forfeiture of goods or services and the matter is then closed. While muru may be extracted for an intentional or unintentional action, the actual extraction of muru is intentional and has the intention and advantage of rehabilitating both the aggressor and the victim. Once again there is a set process and protocol that includes dialogue and agreement on severity of injury and compensation. As with utu, the mana of both the victim and transgressor are acknowledged (Ministry of Justice 2001b).

Customary utu and muru remained within Maori society until the 1790s when trade and industry from outside of New Zealand grew and took hold, introducing alternative economic systems and challenging the authority of the existing structures. Hill (1986 p. 31) states that during the 1790s "Maori and Paheka" saw mutual benefit from each other with the "quest for profit widening the racial interface" resulting in some Maori "shrugged off tribal constraints". The collective societal structure of Maori was being challenged as the new capitalist order was being introduced. Hill (1986 p. 29) argues that the destabilising of Maori traditional society was preceded by the arrival of Captain James Cook. Cook arrived in 1767 with a directive from the British government to evaluate the 'uninhabited land' of New Zealand for its viability as a 'commercial and strategic' acquisition for the British Empire. New Zealand presented as an untapped resource, with many commodities awaiting harvest, such as seals, whales, timber, flax and land. The British government consolidated its position within New Zealand with the signing of the Treaty of Waitangi.

The 6<sup>th</sup> of February 1840 saw the signing of the Treaty of Waitangi. Maori who signed this believed they would continue to rule their people and land as they had previously. However, British colonisers vetoed the continuation of Maori customary law to enable the continuation of "alienation of land and racial subjugation" (Hill 1986 p. 212). During this time, Britain was in the third phase of punishment, with this system consequently imported and imposed within New Zealand. Burnett (1995 p. 11) notes that while some makeshift structures already existed, 1840 saw the construction of jails in "Russell (now Okiato) and Kororareka (now Russell), Wellington, Akaroa and Auckland in 1841". Transportation was used as punishment (Burnett 1978 p. 1) until approximately 1853, when the last transportation destination of Tasmania refused to accommodate the practice. However, New Zealand generally refused to "accept British government exiles might be a welcome addition to the local labour pool" through fear of rising crime (Burnett 1995 p. 10). However, as can be seen by the importation of "productive or industrial labour of convicts from the New South Wales government to assist in the military operations against Hone Heke in the Bay of Islands" Burnett 1995 p. 11) this policy was waived when it suited.

Wilson (1970) notes that cessation of transportation to Tasmania in 1854 produced overcrowding of jails within New Zealand. The Department of Justice (1954 p. 6 -7) states that, as a result, New Zealand adopted an "unofficial system of probation [as] operating in England and Massachusetts" with the First Offenders Act 1886 introduced to accommodate for first time offenders convicted of less serious offences. Statistics compiled by Wilson (1970) show that the number of young offenders in the under 10 to 15 age group decreased consistently from the introduction of this Act in 1886, with the last under 10 year old being incarcerated in 1906. The development of the probation service is discussed further in chapter two.

This chapter has outlined the development of punishment within an international and New Zealand context and suggests that the development of punishment is accompanied by policy that reflects change in both mentalities and practices of societies as they evolve. From an international perspective I have suggested the original purpose of punishments was seen by early mankind as being retribution by unseen entities, manifested in the form of crop failures and other forms of natural disasters. This was a time when religious authority was dominant and wealth and power relatively equal among the populace – with exceptions of nobility and the church. The first phase of

punishment occurred with a change in the administration of punishment from one of fines, private vengeance and an accusatory mode of trial to the inquisitory model. The control of justice was removed from religious control to secular domination. The second phase of punishment occurred with the focus of punishment moving to one of retribution displayed upon the body of the individual. This was a time where the body of the individual was utilised for graphic displays of the consequences of non-conformity, a mode which continued until a humanitarian approach removed punishment from the public eye and incarceration became the preferred option. Mass incarceration is described as the third phase of punishment and was initially intended as a means to transform or rehabilitate offenders back to becoming productive members of society. However, the increasing costs of imprisonment have encouraged the development of alternative methods of punishment. It has been suggested that Home Detention with Electronic Monitoring (EM) has developed from this search for viable alternatives to incarceration in public prisons and that this is considered to be the fourth phase of punishment currently in operation within contemporary Western society. A number of countries have adopted EM and home incarceration or detention as a tool to assist with the management of offenders.

From a New Zealand perspective punishment was first displayed by the customary law of *utu* and *mu* until the arrival and imposition of the third phase of punishment as practiced in Britain prior to New Zealand's colonisation. This resulted in New Zealand applying punishment that paralleled British practice until the development of the Probation Service and the introduction of the First Offender Act in 1886.

The next chapter presents a discussion of literature relating to the development of the New Zealand Probation Service, home detention, and the legislation that currently underpins this sanction. This will be followed by a literature review of supervision as a component of home detention, the development of electronic monitoring and how it is utilised, issues regarding entry criteria, and detainee's perspectives of home detention and electronic monitoring.

## CHAPTER TWO

### **An overview of some issues relating to Home Detention**

The aim of this chapter is to introduce the reader to the literature informing this research. This chapter is divided into three sections. The first contains a discussion of the foundations of the New Zealand Probation Service, the connection to home detention and development of home detention in New Zealand. This is followed by a discussion of the development and content of the 2002 Sentencing Act and Parole Act 2002 which defines the legal parameters of home detention and subsequently the policy that provides the content and guidelines for the manuals used to administer home detention. The second section reviews the literature related to supervision as a rehabilitative component. The third section is a general discussion of the history of home detention, the rationale underpinning this and the differing ways in which it is implemented. The chapter will conclude with a discussion of detainee's and sponsor perspectives on home detention and electronic monitoring.

### **Probation and Home Detention – the connection**

This first section will discuss the origins of the New Zealand Probation Service, the connection between the Probation Service and home detention, the development of home detention in New Zealand and the development of the 2002 Parole and Sentencing Acts.

New Zealand can be considered a progressive country as it was one of the first to establish a Probation Service. The introduction of the First Offenders of Probation Act 1886 sought to reduce the likelihood of contamination that was perceived to occur when 'vulnerable' young people were placed in the prison system, and offered the sentencing court a mentoring type alternative for young first time offenders (Dale 1997, Gibbs and King 2001). From this point legislation was developed around the role of probation officer, that of court officer, supervision of offenders and report writing. This culminated in the development of a professional probation service in 1954 that adopted the British model of 'advise, assist and befriend', with a social work emphasis. This remained until political changes in the 1980s and 1990s (Gibbs and King 2001 p. 394). The major shift during the 1980s and 1990s was from a social work, public service philosophy to one of

corrections and "evidence based effectiveness, and practice, based on market – based philosophies" (Gibbs and King 2001 p. 394).

According to Gibbs and King (2001), providing adult offenders alternatives to custodial sentences were extensively developed through the 1954 Criminal Justice Act with the development of sentences such as the semi-custodial sentence of periodic detention in 1962. "The goal of providing treatment for the offender in the community was reflected in the establishment of probation hostels, pre-release hostels and periodic detention centres" (Dale 1997 p. 14).

The 1954 Criminal Justice Act was replaced by the 1985 Criminal Justice Act in response to several factors. These included findings from The Select Committee on Violent Offending in 1977, which was in turn a response to community concern about violent crimes. Also informing the 1985 Act was a Report on Gangs in 1981 which recommended sentences that were non-custodial in nature. Another influential force was the establishment of the Penal Policy Review Committee in 1981. During this period the Probation Department was also undergoing a transformation driven by the Department of Justice Annual Report which stated that Probation Officers were to include social control as well as reformation in their work with offenders (Dale 1997).

The quest to enhance community involvement in the management of offenders' sentences produced three new sentences and a revision of the probation sentence. The new sentences were: Community Care – which became community programmes in 1993; reparation – whereby an offender would be ordered to pay money to the recipient of the offence; and supervision, which replaced being on probation. Probationary supervision was extended to contain statutory conditions relating to employment, accommodation, possible restrictions on who the offender could associate with and special conditions co-relating to issues that underlay the offending, for example anger management (Dale 1997). The issues that are seen to underlie offending became known within the current probation service as criminogenic needs.

The 1985 Criminal Justice Act was amended in 1993 to accommodate the newly developed initiatives of residential habilitation centres which would focus on criminogenic behaviours and home detention. Siddle (n.d) (in Church and Dunstan 1997), describe Home Detention as the

product of a quest for an intervening sentence to fill a gap between Periodic Detention and Imprisonment. While interest in home detention had been tabled in 1972 it was not until the late 1980s that the Minister of Justice – the Rt. Honourable Geoffrey Palmer - collated the evidence for home detention based on two years of background papers and overseas experience in an effort to reduce the number of inmates within New Zealand prisons.

This section has introduced the New Zealand Probation Service which originated from a British model and developed into an entity of its own. Policy and legislation drive the objectives of the probation service with one of its responsibilities being to oversee the sentence of Home Detention. The following section will discuss the origins of home detention in New Zealand.

### **The foundations of Home Detention in New Zealand**

The following is a discussion of the origins of home detention drawn from sources such as papers, policy documents and research conducted prior to the implementation of the pilot programme in 1995.

Home Detention within a New Zealand context can still be considered a relatively new operation with the first offenders released under the current – but ever evolving – regime in 1999 (Gibbs and King 2002). Foundational to the implementation of the New Zealand home detention scheme was a comprehensive study of intensive supervision undertaken by Rossiter in 1988. The purpose of this study was to investigate intensive supervision and electronically monitored programmes in the United Kingdom and the United States of America. The study was also a direct response to prison inmate populations exceeding nominal capacity by the end of 1987. The notion of implementing house arrest and/or intensive supervision in a New Zealand context was something the New Zealand Justice Department had not previously researched in-depth and was therefore explored by drawing on the experiences of Australia, U.S.A and the intentions contained within the British Home Office Green Paper (Rossiter 1988).

The British Home Office Green Paper originated from a directive to deal with the issue of youth offenders in the 17 to 20 year age group where 1 in 100 youths were being sentenced to a custodial sanction. The rationale for seeking custodial alternatives was that they would 'grow out of

crime' and incarceration often meant the acquisition of new criminal skills or enhancement of those already existing. The Green Paper proposed that three elements were needed to deal with offenders within the community. These were a deprivation of liberty, action to reduce the risk of reoffending and compensation to the victim and the public. A restriction and supervision order was deemed to be a more severe option than anything else available at the time (Rossiter 1988).

Electronic Monitoring was proposed as a vehicle to restrict liberty, while also reducing the risk of reoffending. It was considered that to lower the risk of reoffending, intensive supervision by probation officers and appropriate intervention agencies would address substance abuse and other identified crime causing needs where required. It was envisaged that the oversight of these measures would be carried out by the Probation Department, with the oversight to reduce as a function of good behaviour. Although the Probation Department would be the primary service seen as suitable to carry out this function, private and voluntary organisations within the community would work alongside to provide a total package for rehabilitation, with agreed objectives within and between agencies to ensure collaboration and consistency (Rossiter 1988).

Rossiter (1988) reports that at the time of his research there were 80 day centres in England and Wales upon which he based his study. Encouraging statistical results from the London Day Centre indicated that from January 1985 to April 1988, 67% of offenders directed to attend had not reoffended in the year following the sanction being imposed. Changes to the British Criminal Justice Act gave probation officers the authority and legal mandate to direct offenders to programmes such as those offered by day centres. Although the focus of individual rehabilitative programmes varied, the general issues being challenged within this intensive supervision were those of recidivism, social dysfunction, behavioural and cognitive distortions (Rossiter 1988).

Rossiter (1988) concluded that despite the obvious cultural differences between Britain and New Zealand, intensive supervision combined with electronic monitoring was a genuine replacement to custody, both philosophically and in practice.

The debate in New Zealand for home detention has yielded some paradoxical proposals. Papers presented to the 1989 Correction Conference opposed home detention whilst the Department of

Corrections supported it. The Correction's proposal was for home detention to be a pre-parole/early release option, no longer than six months in length and in keeping with Section five of the 1985 Criminal Justice Act, which meant that only violent and drug offenders were excluded from the scheme. However, two reports chaired by Sir Clinton Roper did not support home detention in the New Zealand criminal justice system, but did support habilitation centres. The first of these reports, the Ministerial Committee of Inquiry into Violence was presented in 1987 and reported that a need existed for increasing the severity of punishment for serious violent offending. The second report was the Ministerial Committee of Inquiry into the Prisons, was conducted in 1989. An assessment of home detention by this committee stated that there was no place for this sanction with or without electronic monitoring or intensive supervision and, furthermore, it was not thought to be effective in dealing with expanding inmate numbers. The report did however find that home detention might be appropriate in a remand capacity and focused on habilitation centres as outlined in *Te Ara Hou (The New Way)* which included all types of prisoners (Siddle (n.d) in Church and Dunstan 1997).

Despite the suggestion of the then Prime Minister Geoffrey Palmer that the Department of Corrections had no proposal to evaluate home detention, the Department of Corrections was willing to evaluate electronic monitoring. However, when the home detention proposal was put to the Social Equity Committee it was suggested that consultation with the Ministry Of Women's Affairs be conducted regarding issues surrounding the welfare of sponsor families and female detainees. These issues were considered at some length in the subsequent pilot programme (Siddle (n.d) in Church and Dunstan 1997).

The legal advisor for the Department of Justice began informal drafting for a home detention sentence in 1989. A District Probation Officer (Rossiter 1988) had reported back favourably on overseas schemes and consultation with the Department of Social Welfare regarding benefit entitlements and disbursement was conducted. This found that detainees would be entitled to the same benefit entitlement as the general public. The Group Manager of Corrections advised in May 1990 that home detention implementation processes could be instigated. However, an election and change of government intervened and although an action plan for approval was sought by the then Minister Of Justice for the Labour Government, a summary called in 1991 by the new National

Government's Minister of Justice Douglas Graham indicated that in reality plans were not formulated sufficiently for a pilot to be implemented (Siddle (n.d) in Church and Dunstan 1997).

The Policy and Research Division of the Department of Justice began a planning process to evaluate future pilots for home detention in 1991. At this time, there were no plans to implement home detention, so these plans were a pre-emptive measure specifically designed to inform policy on any future use of home detention in New Zealand. Although promoted as a formative evaluation, some process issues were also included. In April of the same year the Home Detention Steering Committee presented their proposal of a pilot scheme. This utilised pre-election suggestions and favoured a randomised telephone call system. Hamilton was initially chosen as the best site to implement the pilot for a representative demographic sample (Siddle (n.d) in Church and Dunstan 1997).

Although at this point electronic monitoring was not being considered for the pilot, investigative support from Community Corrections was strong. This support was based on the belief that this form of monitoring would facilitate issues of control and promptly detect breaches of the sentence, which in turn could facilitate a favourable public reaction to the implementation of such a sentence. Also underpinning this support was the perceived cost savings that could be made when compared to imprisonment. Therefore, the proposal for the home detention pilot was based on figures that did not include electronic monitoring, however the issues surrounding electronic monitoring were to be continued to be investigated by the Policy and Research Division. These investigations reported that electronic monitoring should be included in home detention programmes after the pilot had been completed (Siddle (n.d) in Church and Dunstan 1997).

However, not all reports on home detention or electronic monitoring were positive. The negative arguments included issues of civil rights, overseas studies informing New Zealand research being methodologically unsound, the home detention programme not being as cost effective as proposed, and further, that the ability to readily detect breaches would result in detainees accumulating more convictions.

Due to the issues outlined, a compromise was reached between the three parties involved – Law Reform, Policy and Research and Probation Divisions – which resulted in a proposal for a passive system of monitoring to be put in place. Difficulties did not end there. The 1993 amendment to the Criminal Justice Act meant that those eligible to apply for home detention were also eligible to apply for Parole. As Parole is less restrictive than home detention there was no incentive for offenders to apply, and there were also more inmates being granted parole at one third of their sentence than originally expected. This “made it impossible for home detention to operate to achieve its original goal of being a mechanism for substantially reducing prison populations” (Siddle (n.d) in Church and Dunstan 1997 p. 102).

This situation produced recalculation of the numbers available for a pilot and also a new suitable geographical area. Small numbers could mean the reliability of the pilot would be in jeopardy, which meant that Auckland was the next area to be canvassed although it had originally been excluded due to the amount of time that travel to detainees would entail. However, numbers were considered to be too low and support low (Siddle (n.d) in Church and Dunstan 1997).

Provisions in the 1993 Amendment clearly indicated that the Ministry of Justice expected some kind of pilot to be implemented; therefore Community Corrections pushed the pilot out with the project beginning in 1995. A contract with the monitoring service, Wanganui Armoured Security Services, was signed mid 1996 to provide the monitoring equipment. The implementation of the pilot soon encountered problems with the Auckland Council for Civil Liberties stating civil rights were being violated in that detainees were not given automatic right to religious or cultural practices. They suggested that home detention was not seen as rehabilitative as parole and that it facilitated a high level of intrusion into the private lives of the sponsors who were not on home detention. Those facilitating the pilot counteracted the accusations that they had ignored the ethical and moral issues when compared to overseas experience by proposing that this pilot had a robust research design because consent by the detainee was required to take part in the pilot (Siddle (n.d) in Church and Dunstan 1997).

However, issues with policy were to continue as it was discovered immediately prior to implementation of the pilot that the objectives agreed upon for the evaluation of the pilot by the

Criminal Justice Development Group, Community Corrections and Policy and Research had been altered by the Community Corrections Department. The objectives for the evaluation and the manual differed. While an emergency meeting clarified the evaluation terms of reference this inconsistency added to the criticism already in place. In spite of all the issues the first detainee was granted home detention in March 1995 with 35 detainees taking part in the pilot by August 1996 (Siddle (n.d) in Church and Dunstan 1997).

December 1996 saw New Zealand form a coalition government following the first election held under the new electoral system of Mixed Member Proportional Representative System. This coalition agreement included that one of the key initiatives of corrections policy would be the development of electronic monitoring as an alternative to imprisonment. As a result, the 1<sup>st</sup> of October 1999 saw Home Detention Orders introduced to the New Zealand criminal justice system (Gibbs and King 2001).

This section has discussed the development of home detention through the various stages of debate at government and policy level. The following section is devoted to the development of the 2002 Parole Act and 2002 Sentencing Acts which provide the legal framework from which the home detention sentence is granted, and forms the basis from which the manual is developed.

## **New Zealand Acts – History and background for Home Detention**

### ***History of the current legislation controlling the 2002 Sentencing and 2002 Parole Act***

This section discusses the development of the 2002 Parole and Sentencing Acts. The importance of these is that they provide the legal framework from which a sentence of home detention is managed and constructed.

“Which is more important: crime control or just desserts?” (Roberts, 2003 p 255).

The above statement is one that characterised considerable political debate and brought about a national referendum on sentencing in 1999, which in turn instigated the construction of the Sentencing Act 2002 and Parole Act 2002 to replace the Criminal Justice Act 1985 (Roberts 2003).

New Zealand, as with other Western countries, had seen an increase in rates of crime through to the 1990s. Although the status quo prevailed up to 2000, public opinion and politicians appeared to be influenced by statistics and lobby groups such as the Sensible Sentencing Trust (SST). SST cited a "4850% increase in murder rates over the past 50 years and a 108% increase in violent crime during the past decade", and further claimed that the current criminal justice regime had no effective response (Roberts 2003 p. 250). Statements by political parties such as New Zealand First, declaring that a once safe New Zealand had become violent, crime ridden and disorderly, fuelled much public debate. Roberts (2003 p. 250) quotes Brown and Young (2000) in their suggestion that such statements by New Zealand First underpinned public concern, dissatisfaction and opinion about the current system and suggested that the current system favoured a lenient approach to offenders (Roberts 2003). The response was a criminal justice referendum in 1999.

The Criminal Justice Referendum asked the following question

Should there be a reform of our justice system placing greater emphasis on the needs of victims, providing restitution and compensation for them and imposing minimum sentences and hard labour for all serious offenders? (Roberts 2003 p. 251).

Although it is acknowledged that the wording of this statement is seriously flawed, given there are two questions within the one sentence, with the respondent unable to support victims while refusing the needs for tougher sentences or vice versa, 92% of those that responded voted in support of the question (Roberts 2003).

Ignoring the flawed nature of the referendum question, political parties focused on the 92% result to attract voters. Roberts (2003 p. 252) calls this the "penal arms race" where competition between political parties involved, meant avoiding any statements or behaviours that suggested one was "soft on crime" by nurturing the perceived link between tougher sentencing and a safe society for all. While most parties advocated for a tougher approach, the final documents, the 2002 Sentencing Act and Parole Act 2002, responded to the referendum and public concern, but did not generally reflect a more punitive approach to sentencing. While providing sentencing guidelines,

such as longer non-parole periods for the most violent offenders, loopholes were still available for the Judge's discretionary use, as were liberal reforms for the "less serious cases of offending" (Roberts 2003 p. 253). Roberts also suggests that, as can be seen by two high profile cases of serious offending (*R. v Watson* and *R. v Lundy*), judges are including reference to societal attitude to these types of crimes in their sentencing (Roberts 2003).

Previously, the Criminal Justice Act 1985 had identified the conditions and boundaries around Home Detention. According to Roberts however, the 2002 Sentencing Act and Parole Act 2002 "reshaped existing policy and practice, rather than a radical departure in a new direction" (Roberts 2003 p. 254). According to Roberts (2003) this was a conservative approach, and did not make any significant changes to the implementation of Home Detention (Ministry of Justice Publications Reports 2002).

### **The 2002 Sentencing Act and Parole Act 2002**

The following section overviews the 2002 Sentencing Act and Parole Acts content related to home detention, namely, sections 97-101 of the Sentencing Act 2002 and sections 33-40 of the Parole Act 2002. These sections summarise the legal criteria, sentencing guidelines and Probation Officers' responsibilities.

#### ***2002 Sentencing Act***

Section 97 (4) of the Sentencing Act 2002 overrides all other considerations for Home Detention. This section clearly states that the court has first and foremost the right to decide who may or may not apply for a sentence of Home Detention. Section 97 (3) sets the guidelines for the Sentencing Judge in that the court must consider the seriousness of the offence, circumstances and background of the offender and all relevant matters relating to victims. This section also grants the court the ability to take into consideration any matter that may be relevant to the sentencing of an offender to Home Detention.

Section 97 of the Sentencing Act 2002 relates to the circumstances in which an offender in the New Zealand justice system can be considered for a sentence of Home Detention. The offender may have one or several sentences to be served. However, the total concurrent or cumulative

sentence/s of imprisonment may not exceed two years in total. Section 100 states that the court may delay the start of the term of imprisonment imposed in order to allow the offender to apply for a sentence of Home Detention. This can be granted for a period not exceeding two months, however, not every offender is eligible for deferment, for example if the offender is currently in custody at the time of sentencing, deferment cannot apply (Sentencing Act 2002).

### ***Parole Act 2002***

The Parole Act 2002, section 33 states that: Home Detention can only be granted in an area that Home Detention scheme is operating; each application must be considered as soon as possible; and that those offenders subject to determinate sentences can apply anytime after a date five months before their parole eligibility date (Parole Act 2002). This type of application is known as a back-end application and if granted the detainee becomes a back-end detainee.

Section, 34 and 35 of the Parole Act 2002 cover the requirements in regard to the offender's suitability for a sentence of Home Detention. This responsibility falls on the Probation Service who, at the request of the Parole Board, provide a report covering the following criteria: likelihood of offending whilst undertaking a sentence of Home Detention; the nature of the current offences; whether a sentence of home detention will assist the offender's rehabilitation into the community; issues regarding restorative justice that are relevant; and whether the offender will pose a risk to the community if granted Home Detention (Parole Act 2002).

The intended residence and occupants of the premises that the offender intends to reside in whilst on home detention, also come under considerable scrutiny in the Parole Act 2002. Every person over the age of 18 years who resides in the dwelling is known as a relevant occupant. It is the responsibility of the Probation Officer gathering the information for the Parole Board that not only does the offender fully understand the conditions that will be placed upon him or her, and that all relevant occupants are aware of the offenders past and present criminal history; understand and consent to the conditions of the sentence, and consent to the residence being used to house the offender whilst on the sentence of Home Detention (Parole Act 2002).

The standard detention conditions are outlined in Section 36 of the Parole Act 2002. These include that the offender must carry and produce upon request from Police or a Probation Officer their release licence, is under the supervision of a Probation Officer and must comply with all lawful directions given. Approval can be given to: seek or engage in employment; attend training; participate in rehabilitative or re-integrative programs; undertake restorative justice conference process or any purpose specifically approved by the Probation Officer. Sections 37 to 43 cover the circumstance in which a Probation Officer, offender or Parole Board have the ability to revoke or release an offender from a sentence of Home Detention and the obligations under these specified circumstances (Parole Act 2002).

## **Summary**

In summary, an offender must be given leave to apply for Home Detention by the Court, be granted Home Detention by the Parole Board, is under the supervision of a Probation Officer and must abide by all conditions of the sentence and lawful instructions given by the Probation Officer. The only time a detainee can leave the residence without permission is for urgent medical or dental treatment, or to minimise or avoid "serious risk of death or injury to the offender or any other person" (Parole Act 2002, Section 36 (3) (b)). The Parole and Sentencing Acts provides the legal framework for the Sentencing Court and Probation Officers managing the sentence of home detention. The following section is a discussion of the literature relating to the supervision sentence which constitutes a major component of the home detention sentence.

## **Supervision - A complementary component to Home Detention**

This section examines the literature relating to the supervision component of home detention as a rehabilitation option. As the supervision of a detainee is a major component of the home detention sentence, the literature provides a background to the purpose and rationale of supervision. Supervision consists of interactions between the detainee and other agencies as directed by the probation officer. The terms supervision and intensive supervision are used interchangeably within this review to describe in-depth interventions, such as rehabilitative programmes and the overall management of the sentence.

Restricting an offender to a home and combining supervision with this restriction enables the facilitation of rehabilitation. Since 1971 the United States has used home confinement/house arrest specifically to remove youth offenders from unnecessary secure detention prior to sentencing. However, home confinement of adults can be seen as the consequence of jail and prison overcrowding, the recognised need for stricter supervision of offenders granted a probation sentence and attempts to reduce the contamination and stigmatising effects of a harsher jail or imprisonment sentences (Ball et al., 1988).

Ball et al., (1988 p. 33) propose that as the cost of accommodating and constructing prisons continues to increase, North America and Europe have entered into, the "fourth phase of punishment". It is suggested that from this fourth phase came the new initiative of home confinement/house arrest where the offender is accommodated within the community and the home became a "correctional facility". In a specifically New Zealand context, Home Detention is located within these developments. The recognition of supervision as a rehabilitative response within home detention has developed from international experience of implementing the option.

#### ***Some overseas experiences of supervision***

In 1983, Florida initiated a Community Control scheme that consisted of house arrest and intensive supervised restrictions, grounded in the Florida Correctional Policy. The concept employed within this policy is that punishment and reward are the foundations and structures of democracy. The scheme was specifically designed to develop the offender's accountability and responsibility through the offender's self improvement. This project was reported to have a positive impact upon reducing prison populations in that 70.3% of those sentenced to Community Control were diverted from imprisonment and 15% from jails. Further cost reduction was achieved by each offender contributing between \$30.00 - \$50.00 in set up fees, resulting in the overall estimated cost of \$2.85 as opposed to \$27.64 per day had that person been imprisoned. While this appears to be a positive result, it was also reported some Judges criticised the sentence length as being either too long or too short, and proposed that it was difficult for an undisciplined person to comply with the restrictions of the sentence for an extended period of time (Ball et al., 1988).

Another project that showed positive results was the Kentucky Project, which once signed into law in 1986 and had three objectives. These were to protect the public with a minimal cost, depopulate prisons and give alternative sentencing options to Judges. A cost analysis showed that savings of \$17,444 against the cost of imprisonment was achieved for the 1712 days of the study. It was considered that Judges did not use this option enough though. However, this could possibly be because probation preferred a 30 day minimum before this sentence was granted. From a rehabilitation viewpoint, what could be considered the most promising result are the efforts to assist offenders in accepting their responsibilities to family and community through programs, restitution, community service, job training and employment. Of the three participants who were in this project due to non-payment of child support, two made full payment. It was also noted that attendance at AA meetings, job training or acquiring employment were also undertaken. Most heartening is a low recidivism rate of 5.1% which suggests that levels of supervision facilitated sustained change in participant behaviour (Ball et al., 1988).

One of the advantages of supervision is its flexibility. Whitfield (2001) reports Sweden, England and Wales and the Netherlands visited the USA for foundational information before setting up their schemes implementing Electronic Monitoring (EM) and Supervision. However, they have utilised the information in differing ways. Sweden already had a procedure in-place to reduce net widening and reduce over-crowding in prisons, therefore they combined the components of intensive supervision with the electronic monitoring, having no intention to utilise EM as a stand alone sanction. A Swedish offender sentenced to imprisonment by the Court may not be remanded in custody immediately and can be given the opportunity to arrange when they will serve their term. The offender is contacted by the Probation Service and asked if they wish to apply to serve the time imposed by the court for imprisonment on an EM, intensive supervision programme.

Sweden sought to achieve three main objectives when combining intensive supervision and EM. These were "to create an effective alternative to imprisonment; to reduce its negative effects and to reduce the costs of imprisonment" (Whitfield 2001 p. 16). The criteria for acceptance was strict – willingness to undertake programmes; suitable housing; prohibition from alcohol and drugs and to be employed or undertaking study or voluntary work. This programme went nationwide in 1977 with 86% of those applying being accepted into the programme (Whitfield 2001).

According to Whitfield (2001 p. 17-18) England and Wales went in for a "scatter gun" approach, disregarding research and cultural differences. An EM – tagging only – sanction grew into a nationwide scheme that became secondary to a Home Detention Curfew (HDC) sanction offering Supervision. HDC was designed for those serving more than three months and less than four years imprisonment, with prisoners able to be released to HDC up to 60 days before the custodial part of their sentence ended. HDC was seen to be a more cautious and carefully thought out sanction with risk factors considered in the sanction. The HDC scheme saw 16,000 released in the first year of operation, thus more successful than a tagging only sanction.

The Netherlands scheme started with a similar ethos to the Swedish programme in that EM alone was seen to offer little. It was an option for those sentenced to one year's imprisonment directly from the court or as a post prison option. Despite little support from the Court, results showed 90% of 300 participants successfully completed an average of 3.5 months on the programme. This was a strict programme with any 'free-time' earned, and as a function of sentence time served and went nationwide in 2000 (Whitfield 2001).

The projects mentioned in this section have noted differing elements of success with supervision and EM ventures. While a reduction in prison numbers and financial savings is noted by the Florida Community Control Project, the Kentucky Project noted success in rehabilitative measures. England and Wales have seen supervision and EM to show favourable results over EM or tagging as a stand alone sanction, as has the Netherlands. Those programs that included supervision or rehabilitative options have been reported as having effective results. The next section will discuss supervision as a rehabilitative option to reduce offending.

### ***Supervision– Does this effect recidivism?***

The reduction of recidivism or repeat offending can be seen to be a measure of success for offender rehabilitation. The following is a discussion on supervision as an intervention that facilitates rehabilitation.

Bonta Wallace-Caparetta Rooney (1999) reported that the most important factor for reducing recidivism is risk/need correlation, in particular undertaking cognitive behaviour modification programs. They also found that those on an electronic monitoring program were more likely to complete a program. This tends to suggest that EM can be used to ensure attendance, which in turn suggests a higher likelihood of a behavioural change.

Bonta et al., (2000) conducted a quasi-experimental evaluation on cognitive behavioural treatment within the context of intensive supervision and EM. Participants were statistically matched on risk/needs to inmates not receiving treatment. This study reaffirmed that matching risk/need can make a difference in recidivism, even if slight. These findings are also congruent with the Scottish Experience (Smith 2001, Bonta et al 2000). Voas and Fisher (2001) found that alcohol education and treatment, combined with measures such as alcohol sensitive ignition locks, reduced the probability of recidivism. This is supported by Courtright, Berg and Mutchnick's (2000) study of two groups of driving and alcohol abusers. One group was subject to EM, the other to jail. Results for this study concluded that while the variable of drug and alcohol consumption was not significant, success in reducing recidivism was related to employment and programs.

Finn, Muirhead-Steves (2002) conducted a four year study on violent male parolees on EM programs and recidivism. This study found those who were subject to supervision orders had no difference in recidivism rates than those who were not. However those with drug issues failed quicker, while sex offenders were less likely to reoffend and those that did reoffend had spent longer in the community before reoffending (Finn et al 2002). Gainey, Payne and O'Toole's (2000) study concluded that the longer the time an offender was on EM and had participated in programs the lower the probability of recidivism.

Anstiss (2003 p. 85) states that New Zealand experience has indicated that some methods of rehabilitation offer more than others and this is what best practice in New Zealand is based on. The New Zealand Department of Corrections has based rehabilitative programmes on a "structured cognitive-behavioural approach" that "focuses on addressing risk factors for criminal offending". Targeted are those who offend repeatedly and the focus is on those recidivist offenders who occupy "expensive" prison cells. Anstiss further suggests that critical analyses identifying which

programmes are best used with whom, will produce the best chance of reducing recidivism. This is supported by Gibbs and King (2003) who state the supervision from a probation officer or rehabilitative programme has a greater chance of targeting recidivist behaviours.

These studies and reports have primarily examined the correlation between the rate at which an offender will reoffend (recidivism) as a function of being on a program through a component of Supervision. These studies indicate that programs or supervision are effective for reducing offending. In the Bonta et al., (1999) study, EM was seen as an effective tool to assist offenders to complete programs. It may be that EM provides a measure that ensures compliance to attendance at a program. Once the offender is at the program on a regular basis there is an increased likelihood that program content will be absorbed, especially when risk/need are effectively matched to offenders and offender type.

This section discussed the literature relating to rationale for using supervision with electronic monitoring to effect behavioural change. The next section will advance this context by introducing literature relating to the history of electronic monitoring and issues relating to the home detention sentence.

### **History of Electronic Monitoring (EM)**

This third section will introduce literature relating to the history of electronic monitoring and home detention; the purpose and rationale for EM within various international settings; the eligibility criteria for home detention, detainees' perspectives of electronic monitoring and the impact on families.

Electronic Monitoring (EM) has a recent history spanning a mere 20 years (Gibbs and King 2003). Rondinelli (1997) states electronic monitoring of offenders can be seen as an evolution of previous monitoring of aircraft by the armed forces and animals by biologists. He further suggests that the justice system became interested when Dr Ralph Schwitzgebel wrote on this topic in the Harvard Law Review in 1964. This is supported by Crawford (2004) who attributes the development of the electronic monitoring of offenders or tethering to Michael Goss of Albuquerque of New Mexico. However, he does acknowledge that many prefer a far more exotic explanation of the genesis of

electronic monitoring; the story that a Judge by the name of Jack Love became inspired to examine further the issue of the EM of offenders by a story line in a Spiderman comic book. Judge Jack Love gained the notion of electronic monitoring of people from a part of the story line in which a 'villain' tracked Spiderman's movements with the use of an electronic device. He is reported as then persuading Michael Goss of Honeywell to develop the electronic bracelet (Rondinelli 1997, Vass 1990, Whitfield 2001). The first universally accepted home confinement occurred in New Mexico in 1983, and can be considered as constituting the genesis of present day home detention programs (Lilly and Ball 1992).

Within the United States of America, Florida began an EM program in 1984, Michigan in 1987 and it is estimated that by 1998, 95,000 offenders and bailees were being electronically monitored for home detention/confinement, probation, parole, juvenile detention and bail. Dodgson et al, and Smith report that England and Wales commenced a pilot project of EM in 1989. However, due to unreliable equipment it was not until 1995 that a further pilot focusing on bail orders reinstated the use of EM. Sweden and the Netherlands began incorporating EM as a direct alternative to imprisonment in the 1990s. New Zealand undertook Home Detention (which includes EM) in 1999 (Church and Dunstan 1997, Crawford 2004, Smith 2001, Dodgson et al, 2001, Gibbs and King 2002). Whitfield (2001) states that EM and the associated bracelet have replaced an arduous curfew system and reports on estimates that by 1991 there were 3000 schemes with 12,000 offenders, and by 1998 1,500 programmes existed with 60,000 to 75,000 monitoring units in place.

This section has given a brief overview of the history and growth of EM within varying justice systems. The following section will provide a discussion on the purpose or rationale for implementing EM with offenders.

### ***Purpose/Rationale for using EM***

According to Black and Smith (2003), the rationale for incorporating electronic monitoring in a sentence is detention, surveillance and restriction (Black and Smith 2003). Vass (1990, p. 95) suggests electronic monitoring of offenders should be considered because "it is cheaper, less

stigmatising, more humane, reduces pressure on prison crowding and offers a flexible approach to keeping offenders in the community".

However, EM has many different uses and is employed in various countries in different ways. For instance Singapore places those with drug addictions on a post-treatment supervision EM sentence (Whitfield 2001) and Australia has utilised EM for pre-trial surveillance, whereby the person must agree to be monitored. This form of monitoring is also considered suitable for asylum seekers, those on bail and those under restraining orders. Crawford proposes that EM can also be used as the primary sentence or an alternative to imprisonment, with the post prison period as a tool for early release (Crawford 2004). London Probation in the United Kingdom utilised EM for early release with a rationale that EM makes it harder to commit crime, therefore this type of program removes the offender and offers distance from the circumstances of offending. Finland has utilised house arrest with EM for young offenders with burglary, assault or more serious offending awaiting resolution (Finland considers house arrest for young offenders).

EM is a component utilised by Michigan, Scotland and the Netherlands as a supplement to supervision, guidance and support of offenders. It is proposed that EM eases the transition from prison to the community for the offender. Offenders can be incarcerated in special homes where they are required to pay room and board, be employed or be attending an academic program (Crawford 2004, Dodgson et al., 2001). The Michigan State programme was an early advocate to replace the "control, surveillance and punishment" type of EM programme with an emphasis on early enforcement action for violations, group work programmes and intensive supervision, and reports that this has contributed to a 90% success rate (Whitfield 2001 p. 12).

While most EM is to restrict a person to a place or ensure that they are where they should be, advanced technology – termed second generation systems by Hoshen and Drake (2001), means that EM also has the possibility of restricting people from places. The advantages of this are described by Bright and Smith. Sex Offenders and those with restraining orders could be controlled by a system that alerts the victim or informs the authorities if the offender strays into prohibited areas (Smith 2001, Bright 2002, Hoshen and Drake 2001). Technological combinations of

Microsoft software and "manipulation software by Pepperwhite Street" combined with Global Positioning Systems (GPS) have allowed greater surveillance (Hoshen and Drake 2001 p 3). It is proposed that information can be loaded into the system comprising inclusion and exclusion zones that are specific for an offender. It is further proposed that this technology will be able to "determine the offender's position with accuracy of 50 metres 67% and 150 metres 95% of the time (Hoshen and Drake 2001 p 5).

## **Summary**

The rationale for using EM varies within international settings. The discussion above has explored the various uses of EM internationally and its continuing development for the monitoring of offenders. While electronic monitoring is a relatively new implementation it has shown that EM can be utilised in various ways, with these continuing to develop in sophistication with the only limitation being available technology.

## **Home Detention**

### *Home Detention eligibility criteria*

The use of EM as an aid to monitoring defendants and offenders is not static and varies across nations in accordance with the individual nation's requirements. For example, Dodgson et al (2001) states that in 2001, the United Kingdom would not consider offenders under the age of 18 years for this sentence, while New Zealand has a more flexible approach with youth offenders convicted of serious offending given consideration as an alternative to detention in an adult prison (Personal communication with Sue Montgomery 29 October 2004).

Issues concerned with home detention eligibility, including risk of reoffending, have also evolved. Risk of reoffending is a statistical calculation based on static variables, such as age when an individual first offended. This provides guidance as to the probability that a particular individual will reoffend. In most instances, those considered to be at low risk of reoffending and non-violent offending were originally suitable for home detention and electronically monitoring (Dodgson et al, 2001, Crawford 2004, Whitfield 2001). However, as previously mentioned, the use of home

detention is growing and it is now being used for those considered to be of a higher risk of reoffending. Within New Zealand, recent changes have allowed those convicted of violent offending to be granted this sentence. An example is Shaun Metcalfe, convicted of aggravated robbery and injuring with intent and sentenced to 18 months imprisonment. He was granted home detention on the 3rd November 2004. This appears to be in line with the criteria followed for some time in, for instance, Michigan, (Young League Player Granted Home Detention 2004, Crawford 2004, Michigan 2001, 2004).

Eligibility criteria differ between judicial systems. Within New Zealand there are sex offenders currently serving sentences of Home Detention (Personal communication with Sue Montgomery 29 October 2004). However, common criteria that have historically excluded a person from a home detention or electronically monitored programme included: sex offenders, organised crime links, drug trafficking or mental disturbances, fine defaulters, those awaiting deportation or registered under the Sex Offenders Act, previous breaches of non-compliance with curfew or previous sentences of home detention have also previously been excluded. (Crawford 2004, Dodgson et al 2001).

The eligibility criteria for home detention programmes appear to be ever evolving and expanding. As prison numbers continue to increase, this is not likely to change and could be considered one of home detention's biggest strengths. The next section will discuss the detainee's perspective of home detention.

### ***Detainees perspectives of electronic monitoring and home detention***

While it is important to evaluate all aspects of EM and home detention programmes, an important component is the detainee or participant in the programme. This section discusses literature relating to their perspectives of EM and home detention.

A German study conducted in 2002 canvassed responses from detainees of programs that included an EM component. Negative results reported were that offenders felt burdened by the restrictions imposed on them (Dodgson et al 2001 also states this). Stigmatisation meant

participants felt they could not tell friends of their situation, therefore some felt they had to lie and could not spontaneously engage in activities. Also reported were feelings that their choice of activities was reduced and some eliminated completely. Some found the anklet a source of embarrassment, and many felt that if their employer knew that they were on an EM program their employment would be in jeopardy. However, the positive side of this study was that offenders found that once they had confidence with probation staff (although this contradicts Bonta et al 1999) opportunities opened for working on issues such as debt management and education aspirations (Will Electronic Monitoring have a future in Europe 2002). There was no mention in this study of whether participants would have preferred to return to a custodial situation rather than continue with the program, or if this question was even raised with detainees.

Gibbs and King (2004) reported the following negative effects of EM and home detention. These included the anklet causing discomfort; detainees felt there were too many rules; keeping to curfews caused anxiety; some felt their children were disadvantaged by the restrictions of the home detention order. Gibbs and King's results also supported the German study noted in the previous paragraph in that some participants felt that home detention reduced their employment options.

These studies have produced mixed results. However, it must be remembered that in New Zealand detainees must consent to the imposition of home detention during the application process. It is during this time that the conditions and obligations of the sentence are explained in full. The question that may need to be asked, is would they prefer to apply to return to prison as opposed to continuing with the home detention order? The following section follows on from this by discussing the impact of home detention on sponsors or family.

### ***Home Detention impact on sponsors***

Morrison (2002 p. 22) defines a sponsor as "support people who may or may not be a blood tie". This can include a focus on people "beyond those living in the house". Sponsors are an important

part of the home detention order. They often reside in the same residence with the detainee and can be seen, in some cases, to endure home detention alongside the detainee.

Quinn and Holman (1991) suggest that studies need to be conducted on the relationship between those on home detention and electronic monitoring programmes, and those that share the space with them. Gibbs and King (2002) have also mentioned that Home Detention and EM have an impact on sponsors and this is an area in need of much consideration. For example, what is the social and economic impact of both Imprisonment and Home Detention upon a family? Raider (1994) studied EM programs for juveniles, finding that this was a positive sanction for both families and the offenders. It was considered that there was less intrusion on their privacy and EM was an effective alternative to residential treatment (Raider 1994). However, this would have to be reliant on supportive families and community links.

Gibbs and King (2003) noted the following positive responses from families to home detention. It was felt that although having a detainee in the home could be stressful, overall this was considered positive if the detainee was the family member's partner. Some partners of detainees stated their partners were taking on more of the parenting role during home detention, had developed self-discipline and learnt time management. A particular favourable response was that detainees were now attending programmes and courses. On the negative side, many found they were contributing money from their own resources to supplement the detainee. Sponsors also reported they felt and were expected to spend more of their personal time on performing requests for the detainee and this caused resentment. They also found it difficult to cope with detainees becoming 'grumpy' with curfew restrictions and the physical confinement of the home detention order. The final negative comment was around equipment failures and unreliability which added stress and concern to both the family and detainee.

Morrison's (2002) New Zealand study was specifically targeted to the impact of home detention upon the family from the perspective of Home Detention Probation Officers. Among her findings were factors relating to relationships and she included recommendations for the Community Probation Service to improve the delivery of this sentence for offenders and families. These recommendations included altering the assessment process, providing a more efficient after hours

service and providing additional support for families, redefining the terminology used within the sentence and providing family work training for those administering the sentence.

Rondinelli (1997) indicates that the advantages of EM and home detention programs for families are that the offender is able to continue employment, supporting his/her family and therefore there is a reduction of dependency on the state. These programs can also be seen to have positive impacts for the terminally ill, disabled and elderly, as it provides a viable option for the ill or disabled to be cared for on such a programme, or cared for by a family member. The disadvantages Rondinelli raises are those of privacy, in that Home Detention and EM require what can be considered an intrusion of the home, given that the home is essentially being used as a pseudo-prison (Crowe 2002).

With regard to home detention and families it appears the impact is twofold. While loved ones are glad to have the detainee at home, they feel a sense of responsibility to participate in the sentence. Within New Zealand, sponsors who have a detainee residing in their residence sign an agreement which states what their responsibilities are when having a detainee in their home. Therefore, this is both an implicit and explicit expectation. However, the reality of being a sponsor of a home detention detainee may differ between practice and theory. It seems clear from the discussion above that home detention or home confinement is not without its ethical and moral considerations.

### ***What else?***

Ball et al., (1988) state that home confinement/house arrest, while offering an alternative, is not a risk free option and these moral, practical and legal issues must be taken into account so that length of confinement is reasonable. They assert that with the implementation of tailored packages firmly grounded in rehabilitation, community protection can be achieved whilst also delivering punishment. For instance, drunk drivers will not be overcrowding jails, and first time youth offenders who consume alcohol as a result of depression can be effectively rehabilitated without the possible contamination of imprisonment (Ball et al., 1988).

## Summary

The aim of this literature review was to provide the reader with a brief history of the origins of electronic monitoring and its inclusion into forms of judicially sanctioned control. The purpose of including several short sections around topics relevant to EM was to signal to the reader that it is an adaptable and ever evolving tool limited only by the technology of the day. The literature on intensive supervision supports the proposition that changes in offending behaviours have occurred in some populations. For instance, Bonta et al., (2000) reported positive outcomes with cognitive behavioural interventions, Voas and Fisher (2002) and Courtright, Berg and Mutchnick (2000) also support the use of education programmes within this context, and O'Toole's (2002) study showed a reduction in recidivism the longer an offender was subject to rehabilitative interventions when combined with EM. Issues relating to a detainees perspective highlights the positive and some negative aspects of home detention and electronic monitoring.

This chapter began with a discussion of the genesis of the probation service and home detention within New Zealand, the various political and policy decisions involved in developing home detention into a pilot programme and the development of the 2002 Sentencing Act and Parole Act 2002. Also discussed were the component of supervision and a history of electronic monitoring and the impact of home detention on detainees and sponsors and families. The following chapter will discuss the methodology and theory informing the methodology and methods in this research.

## CHAPTER THREE

This chapter is divided into four sections. The first section will discuss the theory informing this study, how the theory informs the methodology, the methodology and its approach to object-subject relations. Section two will explore research design and the researcher's place within this study, along with cultural and ethical issues. This will be followed by a description of the data gathering methods used in this study. The final section will describe the story of my field work experience and will conclude with an overview of the processes and procedures used to organise and analyse the data.

### Methodology

Harding (1987, p 3) describes methodology as "a theory and analysis of how research does or should proceed; it includes accounts of how the general structure of theory finds its application in particular scientific disciplines". This project is based on a 'participant as expert' perspective and this informs the methodological approach chosen. As Tollich and Davidson (1992 p. 22) state, "research methods and theories are inextricably intertwined and interdependent" – thus methodology and epistemology must be seen as inseparable.

Tollich and Davidson (1999 p. 23) describe epistemology as the quest to answer the question of "how can we know certain things? And how can we know what counts as legitimate knowledge of these things?" This is supported by Harding who suggests that epistemology is a "theory of knowledge" (1987 p. 3) and further explains that "knowledge is supposed to be based on experiences, and so different experiences should enable different perceptions of ourselves and our environments" (Harding 2004 p. 7). A critical objective of this perspective is therefore to uncover knowledge through the voice of those that hold the knowledge. This is not to suggest that such a perspective captures reality for everyone, nor is it to be rejected because of this. It is to be acknowledged as a situational, geographically located reality. In other words this is a particular reality that is occurring here and now for a particular group. This group holds within it the discourse, concepts and theories that make up the reality or actualities for the group being studied. Research based in this methodological and epistemological position holds that the knowledge

holder and expert is the person who experiences the phenomena, which in this case consists of Home Detention Probation Officers.

However, there is also the researcher to be considered. Olsen (2004) suggests that one way to measure the epistemological standpoint of the researcher is to look to the involvement of the participant in the research. If the participant's only involvement in the research is being observed, an objective/quantitative approach is being undertaken. However, if they are participating *with* the researcher, a qualitative/subjective approach has been adopted. While research participants can be seen as adding bias to the research, Olsen further reiterates that researcher bias is an inevitable part of all research. Quantitative researchers, who claim to be objective researchers, while admitting to research bias, will mainly endeavour to eliminate bias by being as separate as possible from their participants. On the other hand, qualitative researchers acknowledge the subjective nature of this methodology, therefore recognising and acknowledging that the unavoidable development of a relationship with research participants is a component of this approach. Advocates of qualitative methodology would argue that one cannot have total objectivity as one cannot remove oneself from a world in which one is actively participating in (Personal communication with Angela Jury 10 March 2005, Harding 2004, Smith 2004). This research will have validity from researcher/participant participation as the researcher's "direct experience of the everyday world" is the researcher's "primary ground of knowledge" (Smith 1987 p. 28) and the researcher in this project comes from within the participants' world of home detention.

The methodological approach employed for this study is informed by Standpoint Theory and located within the qualitative methodological approach. This has been deemed the most appropriate methodology as the knowledge sought is that which must be gained directly from the participant group in order to have epistemological (what counts as knowledge) validity, and not simply from an agent's interpretation, or by observation of the participant. This allows knowledge to be contextually located within the social setting in which it is experienced (Harding 2004 p. 4), thus encouraging contextual richness due to the use of participants' voices.

## Standpoint theory

My research is informed to a great degree by my philosophical commitment to the form of sociological enquiry advocated by Dorothy Smith. Smith advocates that moving away from abstract notions of what embodies reality, and placing our work within the realms of the "local particularities of the everyday/every night worlds in which our bodies anchor us", focuses our work in a reality or standpoint (Smith 2004 p. 264).

Standpoint Theory originates from Feminist Standpoint Theory. Sandra Harding, widely accredited with the development of this theoretical perspective, describes this as emerging during the 1970s and 1980s as a feminist critical theory, growing primarily from a Marxist background. This theory sought to explain the relationship between the production of knowledge, customs of authority and power (Harding 2004) and "the condition of the working class" (Swigonski 1994, p. 390). Feminist Standpoint Theory challenged notions that suggested political viewpoints were detrimental to the pursuit of scientific knowledge. It proposed instead that Feminist Standpoint Theory, through explicit acknowledgement of political viewpoints, both enhanced and enlightened scientific knowledge. Its advocates sought to bring the issues of women, from a woman as both subject and expert perspective, into the public arena to be seen as valid and valuable tools for informing political, theoretical and methodological practices. This position was in opposition to keeping political (the issues relating to women) and epistemological (what counts as knowledge) viewpoints separate. Feminist Standpoint Theory actively engaged in combining women's issues and women's knowledge to propose a methodological tool to guide research (Harding 2004 p. 1-3).

Smith (2004) developed her version of standpoint theory, with particular reference to women. Smith argues that sociology has often researched, discussed and made assumptions about women from a male reference point, as opposed to one grounded in women's experiences. She explains that feminism gave women a political stance and voice from which to challenge "conceptual imperialism" whereby women were participating in a process that perpetuated their construction from a sociologically defined base, effectively marginalising them and their concerns (Smith 2004 p. 24). Smith further challenged the notion that some sociologists claim to be able to separate themselves from their research subjects and remain entirely independent of the research they are

engaging in. According to Smith, this is an impossibility. As she argues, sociologist's "direct experience of the everyday world" [is the, and should be the] "primary ground of her knowledge" and that "the only way of knowing a socially constructed world is knowing it from within. We can never stand outside it" (Smith 2004 p. 28).

Swignoski (1994 p. 390) supports Harding and Smith in stating that standpoint theory has the ability to explain the way in which projects undertaken with a foundation of "social values and political underpinnings" can produce results that are theoretically sound and provide empirical support for those working towards both client and social change. While standpoint "recognizes there are no perfect or universal answers" it points out that there is still a need to listen and ask the questions. Smith (2004 p. 264 ) states that her development of Standpoint Theory is not an attempt to "justify feminist knowledge" but rather an attempt to return us to the 24 hour day realities in which people reside and to anchor our enquiries within these activities and practices.

Within this research home detention probation officers are considered to constitute a political voice. As the policy and legislation that determines or guides a Home Detention Probation Officer's practice comes from a political arena determined by a higher authority, their perspectives cannot be considered politically neutral. Standpoint Theory seeks to hear the voice of the oppressed and, while the participants in this project would not be traditionally considered as oppressed, they are not in control of the legislation or the policy that determines their practice. As will be discussed below, often they have felt that their concerns or viewpoints have not been recognised as valid or heard. Therefore this study considers the perspective of Home Detention Probation Officers as a political voice.

As this project is located within a standpoint theoretical paradigm, it therefore rests upon the premise that there is a category of 'interested persons'. These are Home Detention Probation Officers, who reside within the everyday reality of administering the order/sentence of Home Detention and who hold a particular set of knowledges, concepts, discourses and political beliefs

with relation to the area under study. Within this research it is the voice of the Home Detention Probation Officer that is seen as both epistemologically and politically valid.

Standpoint Theory was also chosen as the appropriate theory to underpin this research as the writer concurs with Swigonski (1994 p. 388) in her proposition that models which purport to offer value free scientific enquiry, and further, that subject/object separation and objectivity are achievable, are not congruent with social work research. Such models do not acknowledge the subject as expert or that a social bond exists when a subject and researcher interact within the same space; whereas models that recognise this are a 'good fit' for research for those wanting to effect change for clients. The next section will explore more general issues in relation to qualitative methodology.

### **Qualitative methodology**

Schulze (2004) describes qualitative research as an interpretative enquiry where the hypotheses are generated during the research, with categories emerging from participants' perspectives during the research. A core belief of qualitative research is that every research subject's perspective is valid, every research location or site will be different and no one meaning has more truth or is a greater truth than another. Data can be derived from symbolic or sociological realms in that gestures, impressions, images and words take precedence (Berg 1989). Further to this the researcher is not separated from the research by their role as a data collector but is recognised as a research instrument collecting data (Berg 1989, Chappell 2004, Rose 2001, Harding 2004). This is in keeping with core qualitative beliefs and standpoint theory in that it is impossible for the researcher to be truly distanced from their research.

Therefore qualitative methodologies informing qualitative methods come from a non-positivist or interpretative approach, striving to describe participants' cognitive and symbolic actions and to give meanings to their actions (Chappell 2004). Swigonski (1994 p. 388), in promoting the standpoint perspective for social work research, believes that we cannot have true value-free scientific enquiry as one cannot effectively turn off one's culture, values and beliefs. Swigonski further states that applied research should not "strip values from its work and findings", and that awareness of "value-

laden potentials" can only enhance research. Similarly subject-object separation is not consistent with an approach that is dealing with human participants. Furthermore, acknowledgement or awareness that often a researcher is operating from the same sociological space or shares common beliefs or values with the participant is in keeping with good research practice. Finally, claims of scientific objectivity do not 'fit' with approaches or practices that are seeking to maintain or enhance participant worth and dignity.

This section has discussed standpoint theory and its origins as the theory that informs the qualitative methodology chosen for this research. The following section will advance this discussion in expanding the rationale for employing qualitative research methodology and methods in conducting this project.

### **The researcher's place within this project**

One criticism of this study could be that the researcher is also employed within the area of study. Being an 'insider' can be seen as a potential conflict of interest and it is therefore necessary to disclose my position within this research. I begin by adopting the central premise that when a researcher is more concerned with understanding than explaining, the researcher may have to have 'direct contact with the social reality to the point of actually taking part' (Mcbride and Schostak 1995). It is from this perspective that I place myself within, as opposed to outside, this research. At the time of construction of the project I was employed by the Department of Corrections as a Probation Officer in the Palmerston North Service Centre. During the course of this research my role altered from administering sentences of Supervision, Released On Conditions and Parole, to that of Home Detention Probation Officer.

Within the Palmerston North Probation Service, personnel are divided into teams. The team that I am allocated to is Provision of Information and Home Detention. Therefore, members of my immediate team could possibly be research participants and have gained prior knowledge of my research through informal conversations. It is also acknowledged that I could have had informal contact with other possible participants during training courses or from other Probation related activities.

It is timely to now consider the combination of my epistemological position with the research, and the impact this will have upon the participants and the overall shape of this project. I must firstly emphasise that I reject the quantitative notion of objectivity and accept that the qualitative paradigm fits with my ideals of evaluative research goals. I am comfortable with conducting 'insider' research as opposed to observing from a detached viewing point. As a Probation Officer conducting research on Probation Officers I feel that I have accountability to my colleagues. I have a great deal more to lose if I appropriate the voice of the participant, particularly given that I will continue to work alongside my colleagues after this research has been completed.

MacIntyre 1988, cited in McBride and Schostak (1995), suggest that discussions with others can only take part if we recognise their views and they ours, and also that we cannot separate our views entirely from our interpretation of another's view. Therefore I accept Rose's (2001) proposition that I must acknowledge and address my partiality of knowledge, which exists because of my position relative to the research subjects and research questions. In short, I have prior knowledge of Home Detention due to my position as a Probation Officer. I have a perspective that can be seen to be common to the participants within my study and prior contact with material relating to Home Detention could be seen to have an effect upon my perspective. However, I view these aspects as enhancing my ability to interact with participants due to shared common experiences and work culture. My personal perspective is in keeping with the values and propositions for good research practice as advocated by Smith (1997), Swigonski (1994) and Harding (2004) as discussed above.

McBride and Schostak (1995) suggest that within groups of practitioners there are strong ties of commonality, but practitioners are also made up of individuals operating from their own perspective. It is also possible that participants responded to me in a fashion different than would have been the case had I been a researcher unknown to them. Rose (2001) suggests however that the non-neutral position of the researcher can also be a bonus. The participants may have felt that I had a genuine interest in their perspective as I come from the same group. Other benefits can be seen from the researcher using intimate knowledge and insight to inform their understanding and judgement. Rose (2001) points out that as both participant and researcher are on an equal footing, the likelihood of exploitative power relations by the researcher is reduced. Therefore a position

exists of a process of mutual support from common understandings, as opposed to an outside researcher who may only have a shallow, narrow, theoretical or academic understanding of probation work. An outside researcher could also result in an imposition of the researcher's cultural norms, suppression of the authentic voice or misrepresentation of the voice of the participant (Rose 2001).

However, one should not get overly comfortable and become arrogant as the insider, as this can lead to essentialism or assumptions that common perspectives are shared by all who belong to particular social categories (Rose 2001). Therefore, to be an outsider also has advantages in that if one does not belong to a group, then one may be more likely to be seen as neutral and privy to information not given to an insider. Rose (2001) suggests that this can be because insiders are seen as being in a position to judge the individual behaviours or attitudes of the participant, raising the possibility of self-censorship by the participant. Rose (2001) notes also that another disadvantage of researching as an insider is that the researcher may be perceived as intrusive due to the commonality between the researcher and participant. As an insider with commonality, the researcher may indeed have too much in-common with the participant and not 'dig' deep enough to establish what may be behind attitudes and behaviours. Conversely, the researcher's insider knowledge may well lead to them digging too deeply, thus creating the potential of participant harm. A related off-shoot of this issue is that a richer interview generated by commonality may be difficult for another (an outsider) to understand, as a lot may be missed out due to common ground that does not require explanation between the researcher and participant (Rose 2001). In addition, Tema-Lyn (1999), cited in Chappell (2004), suggests that researchers can be unknowingly listening in two modes, thus unwittingly adding biases to research. These are that the researcher is listening to what validates our ideas (enlistment) or reaction, thus listening for what we disagree with and potentially losing the information in-between these two positions, posing the threat of unreliable or incomplete data collections (Chappell 2004). The following will provide a response to these factors.

Qualitative researchers would argue that these disadvantages of qualitative research are overcome by initiating a transparent process whereby the researcher acknowledges their position within the research and utilises triangulation processes to check their findings. Tollich and Davidson (1999 p 34) explain that using this method means that "the logical integration of data from different sources

and different methods of analysis form a single consistent interruption" so that the researcher can have confidence in their findings. The literature material contains findings from many independent sources, differing methods and analysis, thus enabling comparison with the findings of this research.

In qualitative research, the researcher's experience and background is acknowledged as impacting upon the research and this is explicitly recognised within both the research process and final document. Peck and Secker (1999), cited in Chappell (2004), further validate this position in suggesting that to be objective about the social world is an impossibility, as for research to be valid there must be an understanding of the subject's perspective from their circumstances and setting. Dale (1997) explains that it is important that any research methodology be congruent with both the subject and purpose of inquiry, with the interpretive approach being the most suitable for seeking information about peoples' experiences.

The methodology used within this research is therefore qualitative. The methods employed are nonnumeric; involve researcher participation; are descriptive and take into account multiple realities. The intention of this researcher is to be "open to what the site has to tell us" (Miles 1983 p. 119, as cited by Dale 1997 p. 69), and not impose a theory-driven framework around the data.

Given the above advantages weighed against the disadvantages I am still convinced that an insider view adds validity to the research. As Acker (2000), cited by Rose (2001), suggests, the researchers ability to feel genuine empathy is questionable, if the researcher does not share crucial characteristics with those he/she seeks to study. My research is operating from a qualitative position and I have generated what McBride and Schostak (1995) call a "mature hypothesis". A mature hypothesis is one that has been considered after immersion in a situation and not one drawn with relation to an initial study.

This section has discussed the data gathering processes and my role as researcher. The next section will focus on my experience of conducting the fieldwork component of this project.

## **Research design**

Swigonski (1994) proposes that life experience will inevitably structure a person's understanding of their life, and research should begin from this foundation as opposed to an abstract theoretical or conceptual base. To begin from a purely conceptual base is to observe from above, ignoring differing perspectives and understandings of the world under study and effectively silencing at least some of the concerns of the group. To 'hear' the voice of the subject/expert the methodological approach employed is one that focuses on the subject as expert. In keeping with this approach a semi-structured interview guide was chosen as the method most appropriate. Five face-to-face interviews and one interview conducted by telephone gained the perspectives and understandings of Home Detention Probation Officers. With this choice made, I then turned to exploration of the ethical decisions involved in the project and consideration of cultural issues. Further explanation of the use of semi-structured interview processes will follow my discussion around these points.

## **Ethical and cultural concerns**

This project received full approval from the Massey University Human Ethics Committee – application number 04/117 - upon receipt of a letter of access to participants' supplied by the Department of Corrections on the 25<sup>th</sup> day of July 2005. A full copy of the application to MUHEC can be found in appendix 4 (p. 125).

It is acknowledged that Maori were not a major focus of this research. That said, as Maori are Tangata Whenua, Whakaoho te Mauri have agreed to act as advisors and consultants during this project. The Department of Corrections has a commitment to Maori under the Treaty Of Waitangi. A Maori Strategic Plan published in 2003 identifies the key themes for the period 1 July 2003 to 30 June 2008. This includes building partnerships with Maori, being effective for Maori and being responsive to Maori (Department of Corrections Maori Strategic Plan 2003). Before approving any study, the Department Of Corrections requires all prospective researchers to identify what impact their research will have in relation to the goal of being responsive to Maori and/or reducing reoffending by Maori.

The process to be followed by prospective researchers is that they must satisfy and identify to the Department of Corrections that issues relating to the reduction of reoffending by Maori are

addressed, and outline how the proposed research will affect Maori. The Department utilises a tool called The Framework for Reducing Maori Offending (FreMO) Navigator which incorporates the following concepts: all summaries, introductions and discussion sections of documents must include goals, outcomes, intent and rationale and how this relates to reducing reoffending by Maori; Maori as stakeholders are explicitly identified in all sections of the research paper; all supporting literature must be explicit in terms of its relation to Maori; statistics within the research paper include an ethnic analysis (if this is not possible the reasons must be explained and implications noted); any organisational cultures that come into conflict with the research being undertaken are noted and options for resolution are noted; and the research document will describe how or to what extent the results will promote Maori access to Tikanga Maori concepts. (Department of Corrections FreMO).

Consultation was sought from Whakaoho te Mauri in the construction of this study. Whakaoho te Mauri is an organisation contracted by the Department Of Corrections to organise and deliver Te Wairua O Ngata Tangata Maori programme (tikanga based programs) for male Maori offenders currently on sentence to the Department Of Corrections. Whakaoho te Mauri kindly consented to act as consultants and to help address any issues that might arise during this project.

This current project is not explicitly targeted towards reducing reoffending by Maori. This is not to say that Maori are or could ever be excluded from any study. As Maori are Tangata Whenua any research will, or has the capability, of impacting upon Maori. It is for these reasons that Whakaoho te Mauri were approached to act as consultants and advisors for the project. With regard to ethnicity and explicitly Maori within this project, it is acknowledged that some of the target population may be Maori and this will be recorded. This information will be used to report the demographic composition of the participant group. It is also acknowledged that results from the study may identify issues that are specifically related to Maori. Any such results will be reported as areas for future research. This section has given an account of the strategies undertaken to address participant safety, cultural and ethical considerations. I will now turn to discussion of the processes used in the data gathering phase of the research.

## **Data gathering processes:**

### ***Semi-structured interview guide***

The semi-structured conversational type interview guide (see appendix three, p. 122) was chosen as this form of data gathering technique has the potential to reveal rich data from within the context of the participants' experiences and perspectives. The questions within the interview schedule were deliberately structured in an open-ended way in order to allow participants to more freely reflect upon their personal experience and expand their responses in relation to themes emerging through the course of the interview. Because the data consists of participants' accounts of their experience, presented in their own words, this can be considered an accurate representation of their perspectives and provides the opportunity for a more in-depth exploration of their understandings around professional practice. The interview schedule for this research was constructed from material gathered from the literature review and also adapts material from the interview guide used in Gibbs and King 2001.

The use of this form of data gathering does hold potential disadvantages. The use of semi-structured questionnaires can be time consuming to participants. It is also time consuming for researchers in that the analysis of data is a process of adapting the analytical framework to include emerging themes. Chappell (2004) also suggests that a further problem can arise is that the publication of research results is often in academic papers and publications, with the uninitiated sometimes finding these difficult to digest. In addition, as qualitative research is a snapshot of a specific point in time, delays in publication can mean that findings may no longer be relevant to the audience intended at the time the research was conducted (Chappell 2004).

In response to these criticisms, it can be argued that obtaining contextually rich data is a key aim of this form of research. Therefore the exploration of emerging themes as the research progresses is of vital importance, even if this increases time spent upon data analysis. To not do so runs the risk of researcher arrogance (in discounting anything not considered in the initial hypotheses) and data loss through an overly narrow research focus. With regard to claims that research findings may be indigestible, the same could be said for quantitative literature, which can often be equally as impenetrable without a background in statistical analysis (personal communication Angela Jury 10 March 2005). Further, it is true qualitative research is a snapshot of time. However, this is precisely

the point of such research. It aims to gain an in-depth picture of a particular phenomenon, at a particular point in time, thus offering a historically and socially contextualised account. The essence of this research is that all information is potentially valuable and it can be the subtle nuances within data that can provide the most important foundations for further research, therefore it is important to capture these.

### **Sample size**

Various resource constraints (including time and finance issues), along with the limited scope of a project of this type, underlay my decision to limit my sample size. The sample therefore consists of six participants. Criticism of this data gathering approach can include that use of small sample groups limits the potential to generalise results to larger populations, (Chappell 2004). On this point, the semi-structured interview method is guided by a standpoint theory perspective that does not seek to have the data collected generalised to other populations. As Smith (1997 p. 393) explains, to explore a standpoint is to "direct the focus to a particular place at a specific time", with attention narrowing in on what is happening at that time.

McBride and Schostak (1995) define the ability to generalise as the ability to refer from one case to all others. The object of this research is not to generalise to any geographical population other than the one under study, but instead aims to provide rich data reflecting the experiences of those working within the defined area. This is not to deny that similarities may exist, as will distinct differences. As McBride and Schostak (1995) suggest, other geographical areas may view their experiences on a continuum of similarity with the findings of this study due to similarities in culture, values, organisational goals and resources. However, it must also be kept in mind that seemingly dissimilar findings should not be discarded, but viewed as areas for further research.

Therefore, from this perspective, a small sample size was not seen as a negative feature for this study. In addition, gaining context (central to the methodological position of this research) requires time, a difficulty that would have been insurmountable if a larger sample had been used. Gaining richer context was therefore seen as a reasonable trade off.

### ***Participant recruitment***

The potential participants were selected from the Department of Corrections database. An Administration Officer was enlisted to contact all Home Detention Probation Officers in a probation area that had administered the sentence of Home Detention. They were invited to participate in the research project. This invitation included an information sheet (see appendix 2, p. 119) that outlined the aim of the research, issues of confidentiality, what they were being asked to do, their rights should they wish to participate and contact details of myself and my supervisors – should they have any queries. This information sheet included the objectives of the research, issues of confidentiality, security of information (transcriptions etc) and how to contact myself and my Supervisors at any time. Participants were advised in the information sheet that their identity would be kept confidential and were told how any data would be used. A copy of this information sheet can be found in appendix 2. Once participants made contact, a suitable interview time and place was arranged.

### ***Fieldwork***

A consent form was signed by participants at the time of interview. This included a checklist that the participant had been advised of their rights, purpose of the research and they had been given information of how information they gave would be stored and used. (A copy of the consent form can be found in appendix 1, p.118). Those participants that agreed had their interviews audio taped and the tapes were transcribed by the researcher. Participants were aware that a third party would be involved in transcribing the tapes and that a confidentiality agreement would be signed by the third party. Once the transcriptions were completed they were returned to the participant for editing. Participants were invited to comment on or expand upon anything contained within the transcript and given the opportunity to delete any material they did not wish to have included in the analysis and coding of the data. Participants chose a pseudonym so that they could recognise quotes used within this study. However, all other comments or data collected were reported as emerging themes and not therefore attributed to any person in a specific geographical area.

## My fieldwork experience

This section will give an account of the field work experience of this study, beginnings in 2004, through to the time of completion. The project initially began in February 2004 under the supervision of Dr Martin Sullivan and Dr Martin Tollich. The original focus of this study was to replicate a part of the study undertaken by Gibbs and King in 2001, *The Electronic Ball and Chain: The development, operation and impact of home detention in New Zealand*. The original title of this study was to be Theory Versus Practice in Home Detention. However, as I was to discover, numerous issues plagued this seemingly good idea. The first were the difficulties involved in replicating part of a study, as opposed to replicating a whole study. I proposed for the partial replication to interview only Probation Officers and to examine if their experiences matched those of the Gibbs and King study. The Gibbs and King study interviewed, amongst others, Home Detention detainees and Parole Board members, therefore what I viewed as a replication was, in fact, not. However, it took a lot of passing e-mails and a visit to Wellington Head Office to see that this was not going to be accepted. One other factor that heavily influenced my decision that a change in focus would perhaps be required was that I was advised by Wellington-based colleagues that the results of the Gibbs and King study were not received favourably within the Department. As departmental approval was going to be required to interview Corrections Department personnel, altering the focus of my research seemed sensible.

After looking for something within the realm of Home Detention that would be as politically neutral as possible - in that this had not produced any political discussion in the past - I decided to examine Probation Officer's perspectives of Home Detention, with particular reference to the objectives outlined in the Home Detention policy and procedures manual. To my knowledge this had not been previously undertaken.

In July 2004 the Massey University Human Ethics Committee (MUHEC) provisionally approved this study. However, as the focus had changed further approval was sought from the committee, and the appropriate documentation, including a revised interview schedule and covering letter, was submitted to MUHEC. The change in focus also required the submission of revised documentation and explanation to the Department of Corrections. After completing the Department's

requirements, along with providing the clarification sought by the department on several occasions, provisional approval was gained from the Department of Corrections on the 25<sup>th</sup> day of July 2005.

As soon as full approval was gained the invitation to participate was sent via e-mail to potential participants. This was achieved with the assistance of Linda Everson, an Administration Assistant who is employed in the same service centre as myself. Linda collated the names of Home Detention Officers in the proposed area and sent the invitations. The details of those who replied were forwarded to me and I made contact to arrange an interview.

To my surprise, and relief, six Probation Officers responded in a relatively short space of time. The participants were from a selection spread over the chosen geographical area, and all were experienced in Home Detention. Interviews were arranged with all but one participant and I travelled to conduct these. Although information sheets and interview schedules had been provided at the invitation stage, I also provided these at the time of the interview, in addition to a consent form which was signed before the interview took place. While I offered to arrange an interview space outside of the participants' work sites, three participants were happy for me to conduct the interview at their offices and three were conducted in private homes. One participant was interviewed by phone as the travel distance was significant, weather conditions unreliable and two previous attempts rescheduled. While I would have preferred a face-to-face contact, given the time constraints at the time, this alternative was considered to be a viable option. A suitable time was agreed upon and I telephoned and interviewed this participant while they remained in bed 'enjoying' their weekend 'lie in'.

The interview process was extremely frustrating with two of the participants as, even though I had checked the sound quality of the recorder, a proportion of the interview for both of these participants' was lost due to faulty sound quality at the interview site. After this I resorted to using a more trustworthy hand held dictaphone that had faithfully accompanied me throughout my years at university.

Other technical issues arose with the transcribing equipment. The first transcribing machine I was given had a faulty foot pedal control. However, once the faulty piece was replaced the

transcriptions could begin. Originally I had wanted these to be transcribed by a third party, but due to the timing of funding applications I did not qualify. Therefore, I transcribed all of the tapes myself. While this is a labour intensive exercise, I felt by the end of it that this process does allow the researcher to gain a more intimate knowledge and 'feel' for the interviews and resulting data.

### ***Data analysis procedures***

Following transcription of the interviews, these were returned to the participants for editing. Once they were returned in their edited stage, data collation and analysis commenced. Patton's (2002) cross case and thematic analysis procedures were used to collate the volume of information. To begin to gain an overall sense of emerging themes, all the answers to particular questions were grouped together under a relevant heading. This information was then reduced, retaining only that information which directly pertained to the particular question. As can easily happen, and is encouraged through the use of semi-structured interviews, any additional information gathered and relevant to another query or subject, was placed under that relevant question heading. The information under each question/heading was further reduced to emerging themes and quotes were selected. The information gained was then summarised and written up as reported in the following chapters.

This section has given an account of my field work experience of how this project originated, evolved and was finalised.

This chapter has discussed standpoint theory, how this theory informs this study and subsequently the qualitative methodology and methods. Also presented was the development of the research design, cultural and ethical considerations, the place of the researcher within the project, and my experience of conducting the research fieldwork. The next two chapters will present the perspectives of home detention probation officers in this study with the aim of exploring the following questions. How do the objectives of home detention and electronic monitoring;

- 'fit' within the everyday practice of the Home Detention Probation Officer
- what part do they have in guiding the Home Detention Probation Officers' practice/s
- how do these objectives impact on Home Detention Probations Officers practice/s.

- are these objectives achievable?
- what supports Probation Officers being able to achieve the objectives?
- what hinders Probation Officers from achieving these objectives?

## CHAPTER FOUR

### **Participants' perspectives and experiences of managing Home Detention**

The objective of the next two chapters is to present the data collected during this research and to offer comment on the issues raised by the participants.

This chapter will begin with demographic and background information on Mary, Dana, Maria, Simon, Peta and Keith - the participants in this study. This will be followed by discussion of their perspectives and the implications these may have for the management of Home Detention. This will precede a discussion on the participants' experiences of caseloads and managing violations of the sentence.

This chapter contains five sections. The first contains a brief introduction presenting the cultural identity, gender, employment and academic history of those who took part in this study. The second section will detail how they became Home Detention Probation Officers (hereafter called HDPO's), as well as examining whether they have identified any training requirements. The third section will discuss their personal philosophies, their understandings of the purpose of home detention and the types of relationships they foster with their detainees. Section four is devoted to issues surrounding the factors that participants felt most guided their practice, the Parole and Sentencing Acts, the Manual or their personal philosophy. The fifth section considers the participants' experiences of managing the Home Detention Order with regard to caseload numbers, violations, manual monitoring and difficult clients. This chapter will conclude by drawing together the major themes from the participants' perspectives and discussing the implications that can be drawn from those perspectives.

### **Introducing the Participants**

Each participant was invited to provide a pseudonym so that they could be personalised and their statements remain confidential within this study. The participants chose the pseudonyms of Mary, Dana, Maria, Simon, Peta and Keith.

### ***Participants background***

The group of participants consisted of four females and two males with ages ranging from approximately 30 to 55 years of age. One participant identified as Maori and four identified as New Zealand European/Paheka. The cultural identity of the other participant was indecipherable due to a sound recording failure during the interview.

The participants' employment history prior to becoming Home Detention Probation Officers ranged from lengthy service within the armed forces and religious organisations, public service, farming, personnel and tertiary sectors. All six participants had worked within various divisions of probation such as Provision of Information, Programme Facilitation, Sentence Management, and Community Work prior to becoming Home Detention Officers.

Four of the six participants had academic qualifications or professional training, with three having qualifications in social work. Those who had academic qualifications felt it informed their work, while those who did not, did not feel that academic qualifications were essential to administering a Home Detention Sentence.

### ***Becoming a Home Detention Probation Officer and training***

The HDPOs in this study entered into this role by identifying an internal vacancy and putting their names forward for consideration; one participant was invited to stay on as a Home Detention Probation Officer after completing a placement within a particular service centre.

The departmental training provided for the Home Detention role consisted of two forms: organised seminars and on site training. The consensus was that the most helpful training received was when it practically and physically involved administering the sentence. Five of the participants had attended organised training seminars on the sentence of Home Detention which had included: examining the manual and policy; listening to other Probation Officers' experiences and perspectives; the view from Chubb representatives; the perspective and experience of an ex-detainee; and the provision of skills for working with families. One participant concluded that the seminar type training was excellent, while two gave no opinion of the value of the training they had received.

Maria and Keith provided interesting and contrasting perspectives on the same training seminar. They had similar prior experience of administering home detention –although in different geographical areas. At the time of the seminar, both had been administering the home detention order for a period of twelve months or more. While Maria considered the training to be a positive exercise in consolidating the knowledge she already held, Keith found this training to be a valueless exercise. From his perspective, for this training to have been of value, the content of the seminar would have needed to include practical skills that could be utilised when working with the clients, as opposed to content covering administration areas that he had already been working with for the past two years.

### ***Training gaps***

The need for further training was also explored with participants. While two participants stated they did not require any further training, three others considered further training with a focus on practical and clerical administration training would be helpful in the management of complex and often difficult case scenarios. Maria focused on a need for consistency, noting that

*there are a lot of loop holes....[and] there's a lot of things missing from the manual that they maybe could nut out and then put out to everybody so that we are being consistent.*

The suggested areas for further training included

- cell-phone coverage and procedures around obtaining dedicated phone lines
- working with families
- high risk situations
- police custody situations
- issues relating to after hours incidents.

A range of questions were raised in regard to the last item, especially relating to the procedure for removing a detainee from his/her residence after hours when the detainee has not breached their sentence but when, for instance, a sponsor has withdrawn their consent for a residence to house a home detainee. Had the detainee violated the sentence a remand in custody can be effected by

the HDPO, or Police can arrest the detainee and deliver him/her to the Police Station. The manual containing directions for these incidents is the Operations Manual Sentence Management Volume 2 (hereafter known as the OMSM). The OMSM states

Where an emergency situation exists, such as danger to the detainee or any other person or the residence becomes unexpectedly unavailable, the Probation Officer should move the detainee to suitable accommodation. The Board must be informed of the arrangement within 24 hours. The detainee must be monitored appropriately and the arrangement is a temporary measure only (OMSM p 3E-3).

What is appropriate accommodation for an offender? How is this accommodation obtained? Who pays and how? Where are the written procedures for such incidents? In raising these questions, the HDPOs' clearly did not feel that the manual provided enough detailed information regarding the immediate emergency housing of detainees.

The participants suggested that regular conferences be organised to provide opportunities for areas of further training to be discussed and practice based solutions developed and shared. They also identified the need for regular practice-based gatherings that would disseminate knowledge and help to highlight areas requiring clarification, as well as to develop strategies to effectively deal with these situations. Further suggestions included that training be delivered in a timely manner - administration training, for example, would be best delivered when the officer first starts administering the sentence, as opposed to one or two years after commencement. This raised the question of whether or not the training provided was meeting the practice needs of HDPOs.

### **Participant's philosophies**

Participants were asked to describe their beliefs and attitudes that formed their philosophical stance towards the way in which this sentence should be managed, and how this consequently brought intrinsic value to their practice. While various philosophies were discussed, a common focus was the ability to work with offenders in an in-depth manner to effect change. Dana illustrated this point when she explained:

*What stands out is how versatile you have to be and how experienced you should be... knowing how to deal with human relationships.... you are not just dealing with the person. People come into the office for 5 minutes and you go how's it going?...oh sweet you know I did this and I've cut out the drinking...and that's ok and off they go...well for all you know they might be back into the booze as soon as they are out the door....But when you are in their home the family is there and quite often they hang around to see what is being said...so they will contradict...oh no he did this or said that or he's got his friends coming around that we are worried about...so actually you are dealing with the family and then when things go wrong it is usually the family that show you...they will be saying to you this has got to change or he's got to change or you got to do something about this or its just not working...so you really just need....to be a very good mediator and diplomatic...and just be able to handle every situation.*

For Mary, this role had provided the opportunities to consolidate practice but also a venue for gaining confidence with situations that had previously caused some anxiety. Her fear of home visits and anxiety about not being able to construct a natural flowing conversation in the detainee's environment had been overcome, thereby aiding her personal development.

Keith and Mary stated that being one's own boss and taking responsibility for workloads provided a sense of autonomy, while Peter thought that the variety of the role was a positive aspect which stood out for him.

The participant's attitude and beliefs about how the order of Home Detention should be managed were guided by the belief that they were in a position to be able to effect change within a person's life and in the autonomy that the position provided. They believed that the opportunity to create change within the detainees environment was complemented by the autonomy and resources made available to them as HDPOs.

## Purpose of Home Detention

The OMSM Volume 2, p. 1-4, states that

Rehabilitation, reintegration and report and comply is the purpose of Home Detention. Rehabilitation aims to address the activities that will reduce the risk of an individual reoffending by addressing motivation, attitudes, awareness, an ability to manage risk factors linked with offending and assess offending responsivity and pro-social influence. Reintegration relates to addressing obstacles such as a lack of employment or basic living skills, and the report and comply requirements are to make sure that the detainee has the minimum support they are classified as requiring according to their risk of reoffending rating.

The purpose of Home Detention was generally expressed in terms of rehabilitation, accountability and punishment, with some concerns raised regarding the perception that the criteria for eligibility to apply for this sentence has altered over time and was changing the purpose of this order.

While some participants felt that the purpose of Home Detention has changed since its implementation, all participants identified the major objectives of the sentence as outlined by various sources provided by the Department of Corrections. Three participants gave examples outlined in the objectives of A Department of Corrections Facts Sheet (2004), which included, "coping with expanding prison numbers" or meeting the special needs of offenders such as "pregnant women" or "offenders with disabilities."

Dana felt strongly that home detention was being used as a type of stop gap measure for first time offenders due to prison overcrowding and as a type of parole "to suit the prisons" and was not the rehabilitative option she felt it was originally designed as. She firmly believed that the home detention order was

*being used to suit the purpose of the prisons, it should go back to something that is a privilege to be on – should be valued and they [detainees] should prove that they do need*

*to be on it by wanting to make the changes and wanting to get their life back on track and with that support.*

Three participants gave examples of special needs and offenders with difficulties who were being accommodated by Home Detention. Maria had supervised a pregnant detainee who required specialist treatment, and Peta described working with one client with a chronological age well above his maturational age and complicated by intellectual limitations. Simon also recalled a detainee with psychological and language difficulties who he had supervised.

For Simon, Peta and Maria, the rehabilitation of offenders was the prime purpose of home detention, with a strong emphasis on accountability to family and community and assisting in the process of positive change. Mary was the only participant who used the term punishment when describing the purpose of home detention. However, she also saw it as an opportunity to “*sow the seed of change*”. She further suggested that ways this could be achieved were to display good role modelling and by showing respect in difficult situations.

Dana believed, as did Keith, that the purpose of home detention had changed from its original conception. They felt that the order had originally been to assist low risk detainees who were motivated to undertake rehabilitative and reintegrative measures. However, they felt many of those currently being granted Home Detention were high risk and unwilling to engage in interventions to address their offending and therefore could be considered to be merely going through the motions of compliance. As Dana said, “*if they are motivated to address their offending [it] is another thing*”. Generally, Dana and Keith did not see the change that they felt had occurred in Home Detention eligibility criteria policy as a positive development.

All participants believed they had a clear understanding of the policy statements made by the Department of Corrections regarding the purpose of Home Detention. Generally speaking, they believed that they worked within the policy provisions and sought to uphold its objectives. The largest area of discontent was the perceived change in eligibility criteria that was thought to be undermining the original purpose of Home Detention. This raised the following question: has the eligibility criteria for home detention changed? If the eligibility criteria have changed, this could

mean increasing numbers of those who are granted home detention and who may not be motivated to attend programmes or, alternatively without the imposition of any direction, to undertake special conditions. This then raises questions around the implications for the HDPO role. Is the HDPO role being reduced to that of a monitoring agent or pseudo prison warden?

### ***Type of relationship fostered with detainee***

Throughout this study, all participants strongly indicated that they were committed to assisting the detainees to make positive changes in their lives. Furthermore, all thought that working at a 'deep' level with the detainees through interpersonal contact brought most value.

Upholding the objectives of the Home Detention Order was described as involving the facilitation of a working relationship with the detainee and the detainee's relevant sponsors. The type of relationship that the Department of Corrections expects to be established is one of

a clear and efficient working relationship with the offender and any others who will be involved with the implementation of the Sentence Order (OMSM Volume 2, Chapter 2, Section 2A, p. 2A-2).

The relationships that were developed by participants to facilitate a positive working environment for the detainee, sponsor and the HDPO were characterised by an inclusive and professional approach. Humane, respectful, empathic, boundaried, challenging, honest and professional were the words these HDPOs used to describe the relationship they wished to foster with their detainees. At the same time they always wished to be clear with the detainee as to who it was managing their sentence and the need for rules and regulations to be followed. As Mary remarked,

*there are a number of detainees who the very nature of their personality type will try and see how far they can go with twisting the rules or manipulating the system.*

Dana also felt that detainees will challenge most boundaries. Before becoming a HDPO, she had assumed that detainees were going to be actively compliant. Her impressions have changed

dramatically since administering the sentence where she had found that *"people test about every boundary, if there is a place they will test it out."*

It was made very clear by participants that following rules and regulations was an important feature of an appropriately bounded relationship with a detainee, in order to maintain the integrity of their role and the order. This is not to say that a 'one size fits all' approach existed. When comparing answers to other questions it became clear that participants generally employed an approach which considered each detainees case upon its merit.

Maria specifically suggested that the interaction with the detainee is not the only relationship that requires fostering. She explained that developing relationships with significant others of detainees was a useful tool that helped maintain the honesty of a detainee's interactions with her on two levels. The first of these being that she is a female and sponsors or partners of detainees *"may confuse what my role is at the house coming around all the time"*. The second was that she felt *"they are also the people who will tell me what's going on"* in essence providing an alternative viewpoint to how a detainee may explain their interactions or behaviours.

The relationship with sponsors was held by all other participants to be an important one. Simon considered it important that children also be included. He recalled a seven-year-old child of a detainee and sponsor who was causing concern as he would not discuss the family's current involvement with Home Detention and was unusually withdrawn. With the parents' approval, Simon facilitated an open discussion with the seven year old and his three siblings to ease any concerns that were present. This proved to be very successful with the detainee reporting his son had subsequently presented the family's new lifestyle during show and tell morning at school.

In summary, the relationships developed by the Home Detention Probation Officers with detainees encompasses significant others, are professional and based on maintaining clear boundaries.

## **The Act, Manual or personal philosophy – which has the most influence on practice**

The Parole Act 2002 and the Sentencing Act 2002 (hereafter called the Acts) provide the legal framework within which an order of Home Detention can be managed. They also provide the guidelines and procedures for the manual and OMSM which are developed to guide and assist HDPO's. The manuals outline the differing aspects of sentence order management, background information, guidelines and procedures, and topics that are required to be considered during the management of a order of Home Detention.

While the manual was thought to provide structure and guidance for the management of Home Detention, participants saw a number of other factors as influential in guiding practice. These were team discussions, gut feelings, an awareness of media interest in negative Home Detention issues, community safety and the circumstances at the time a decision was required. As Dana explained

*[you] use your own judgement ...you have to be flexible....its about humans and you are human and we listen to peoples reasons and are guided by our own values really.*

### **Do the Acts and Manual 'fit' or inform everyday practice?**

The Acts were considered to be removed from the everyday application of the Home Detention Order. The majority of these participants felt that unless directly required for clarification of enforcement matters, the Acts were largely removed from the day to day application of the home detention sentence as they do not explicitly refer to them unless required.

Dana and Keith felt that the judiciary had possibly placed a different interpretation upon the Acts in recent times which had resulted in an increase of high risk offenders eligible to apply for home detention, with the consequence that the Acts were now having a significant impact upon their everyday practice. Simon suggested that since the removal of a Community Probation Service (CPS) representative from the Parole Board hearings

*now we have nobody there to advise from our point of view and that's one of the major disasters [that] CPS no longer have input at parole board*

With regard to the manual's impact upon everyday practice, Dana, Keith, Maria and Mary said that while the manual provided guidance and structure around some areas of practice, in parts it was sparse with information and lacked procedural information. For example, dealing with emergency after-hours incidents as noted earlier. Maria explained that at times the manual did not 'fit' well with the practicalities of the situation, resulting in the probation officer relying on their *"own intuition or interpretation and that will make it...well the practice is inconsistent"*. An example of this was her experience of a pregnant detainee who required specialist treatment in another geographical area. As there were no procedures in the manual to cover this type of situation, the management of this detainee's sentence was a positive challenge with an action plan being developed by Maria to ensure that all health requirements were met.

Dana felt that the integrity of the order was being weakened by changes to the manual and the implementation of revised management regimes (MR), as detainees did not now receive the same amount of supervision or face to face contact with a Probation Officer. Previously, when Home Detention was first implemented, all detainees were visited three times per week when first released to this order. The new regimes (MR1, 2 and 3) determine the number of visits per week and, for Dana, now appear to have had the effect of diluting the rehabilitative intensity of the order. Under the MR1,2 and 3 system those who are considered to be at lowest risk of reoffending, MR1, are required to be physically visited once per week (OMSM Volume 2, p. 2A-5).

While the participants generally considered the Acts to be removed from the everyday application of the home detention order, the way the Acts were being interpreted has a significant impact. It was felt that a 'liberal' interpretation had resulted in an increase in the numbers of high risk offenders gaining access to the sentence.

This means that the Home Detention Probation Officers in this study did not believe they were guided solely by the Acts or the policy outlined in the manuals. They drew upon past experience, team discussions, possible negative media interest and situational considerations to guide their practice, whilst keeping in mind the implications of their decisions on detainees. However, the discussions with regard to the MR's and interpretation of the Acts suggest they do not think about either of these explicitly, but apply them implicitly.

## **Participants' experience**

In this section the perspective and experience that Mary, Dana, Maria, Simon, Peta and Keith have had in managing the Home Detention Order will be discussed. The experiences include the number of detainees or clients that a Home Detention Officer (HDPO) can be allocated to manage, common order violations and any violations that presented as unusual. Following this is a discussion of the experiences which stood out for these participants.

### **Caseloads**

A simple definition of a caseload is the number of detainees that are allocated to a HDPO which s/he is required to administer. The numbers of detainees on a caseload varied considerably amongst the participants. Peta stated that she "*did not think there was such a thing as an average caseload*", with the prescribed caseload of 6-8 detainees rarely occurring. The detainee numbers at the time of interview ranged from 2 to 10 detainees, while the numbers at the same time the previous year ranged from 8 to 14 and the highest number of detainees being managed at any one time was reported as 15.

High caseload numbers raised the possibility of compromising one's own standards of work. It was explained by participants that when detainee numbers were at their highest the ability to work with clients was reduced. To meet all the legal requirements of the order, there was only time for relatively quick visits during which only the minimum interpersonal contact occurred between the HDPO and detainee. This perception was one reiterated by all participants and reported by them as having had a particular impact upon those who would normally deliver programmes to detainees. As caseload numbers increased, the ability to engage in their normal practice, deliver programmes, or work effectively was reduced, therefore a belief existed that standards of practice were compromised by high caseloads.

High caseloads were also reported as having contributed to increased stress levels, not only as a result of managing the detainee's sentence, but also from additional miscellaneous duties such as report writing. During times of high caseloads, all participants stated that it was common to have

every minute of the day tightly planned. For some, this workload had meant working until 7pm on weeknights and taking calls from detainees on weekends, which increased their stress.

In somewhat of a contradiction of the above comments, Mary believed that generally the workloads per client had decreased with the implementation of the new regimes. However, Simon considered that the above point would be dependent on the mix of a detainee muster. For example if a caseload contained mostly high risk detainees, then the workload would be higher at three visits per week per detainee than if the muster was predominately low risk and sentence management requirements were one visit per week.

The experience for these participants was that their caseloads were inconsistent. High caseloads were noted as being problematic in that a balancing act was required to maintain one's own practice standards, as well as those of sentence requirements. This would often increase the levels of stress for the HDPO and was further complicated by other work that was required to be completed and by added detainee risk factors. This raises the question of how can workloads be managed so that best practice is not compromised and stress levels are kept at a minimum.

### ***Common violations or rule breaking***

As the order of Home Detention is a legal sanction imposed by the New Zealand Parole Board, there are strict rules that must be followed. For example, curfew times must be adhered to and the consumption of alcohol and drugs is strictly prohibited.

The OMSM Volume 2, Section 1B has the intention of assisting the HDPO to deal with issues of non-compliance. The OMSM Volume 2, Section 1B, p. 1B-1 states

Guidelines are given to assist in deciding what action is appropriate and is dependent on the degree of non-compliance of the detainee. The offender is considered to have not complied with their sentence or release if they fail to comply with standard detention or special conditions of release as they appear on the Release Licence/Order

A condition commonly included in a release licence/Order is that the use of alcohol or illicit drugs is prohibited. This condition has the same authority as any other condition imposed. Dana, Mary and Keith believed alcohol or drug violations were commonly and easily identified when detainees were being tested for substance abuse. Historically, practice had been based on an assumption that, as not to consume alcohol or illicit drugs was a condition set by the Parole Board, and the detainee had consented to the imposition of home detention, by default the detainee had also consented to being tested for banned substances. However, in 2004, Corrections Head Office became aware that this practice was being carried out and issued a directive that this was to cease. Therefore, HDPOs have no means with which to verify their suspicions of abuse or gather evidence through testing that would be admissible evidence in a court of law. However, not all participants felt that it was difficult to detect substance abuse. Mary, for example felt that substance abuse was easy to detect through attitude or even smell. She gave the following example.

*[A detainee got into my car] covered in after shave and stunk like a polecat and I knew he's been drinking so I took him to the police station and got him to blow in the bag...some people might think that it is not obvious....but its actually really obvious.*

With the abolition of random testing, gaining evidence of drug or alcohol violations has become a frustrating experience as suspicion is not proof and without proof you are powerless to prosecute. A successful prosecution in a court of law can be doubtful unless the detainee is caught “*red handed*” consuming the prohibited substance. As Mary discovered, when a detainee admitted to consuming an illicit substance, the case was dismissed in Court “*by a clever lawyer*” as having no ‘real’ evidence.

Presently a detainee will be directed by the Parole Board to remain alcohol and drug free, but the Probation Officer managing that sentence has no legal mandate to monitor this condition by way of testing. This raises the question of why a clear and effective procedure that allows for drug and alcohol testing cannot be introduced to eliminate any guesswork. Would this not also have an added component of ensuring the safety of the community and those managing sentences/orders?

Another common form of non-compliance reported by participants was that of curfew violations or failure to depart or return on time. The OMSM Volume 2, Part five, p. 1B-4 states that

early departure/late return from approved absence for 15-30 minutes, without a valid excuse, first time – written warning, second time – Home Detention sanction and final warning, third time – breach and fourth time – recall.

Curfew violation is essentially a failure by the detainee to depart or return to the approved site at an approved time. Violations were reported by participants as often being due to influences beyond the control of the detainee, such as public transport irregularities. It was also thought that although curfew violations were common, mostly they were of a nature that was out of the control of the detainee and could therefore be remedied without official enforcement action.

The participants did not mention that they had used Court enforcement action to deal with the alcohol and drug and curfew violations mentioned. With regard to enforcing alcohol and/or drug violations, without a legal mandate to test for alcohol and drug use the ability to enforce abstinence is eliminated.

For Dana, prior to administering this sentence, her perception was that detainees would be vigilant in compliance. While this is true for many, Mary remarked that by the very "*nature of their personality they will push every boundary*" placed in front of them. Dana observed that clients who have an exaggerated perception of their own importance and entitlement would almost certainly attempt to push every boundary by violating curfews and other rules despite numerous efforts to get them to comply with the sentence. This can create an unpleasant working environment for the HDPO and while these can be dealt with by legal enforcement, the effects of clients crying and

pleading when they know enforcement action is being taken can be unsettling. Dana explained that:

*its just degrading, demeaning, even if you get through that situation, they never see you in the same light again, you know you are trying to work with them and you say you've done a serious breach here and you know one of the options is going back to prison...the whole dynamics [of the relationship] change.*

In summary, the most common form of rule breaking was that of curfew violations and alcohol and drug abuse. While participants dealt with many difficult situations, their responses indicated that dealing with violations required a combination of manual guidance and their personal judgement to deal effectively with these situations, rather than resorting to the Courts.

### **Stand out experiences**

A range of events were recalled by Maria, Simon and Keith when asked what stood out for them.

The challenge of taking over clients from other HDPOs, and getting them to conform to the new style of management was what stood out for Keith. Often clients would resent or challenge a new way of their order being managed, especially if this means that their 'freedom' is being curtailed or they are being asked for verification on issues previously not requested. The experience of managing an aggressive, terminally ill detainee with mental health issues also stood out for Keith. This experience provoked a heightened need for a personal safety plan, which he managed by checking in with the probation administration staff prior to and immediately after leaving the residence. This detainee's psychological state was considered so unstable that it could never be taken for granted.

For Maria, needy clients were a negative experience that stood out for her, while successfully managing the specialist needs of a detainee's pregnancy provided a positive experience for her.

Simon recalled how an impressive offence map produced by an offender prior to Home Detention signified that the detainee had a clear insight into her offending. This made the working relationship

with the detainee extremely productive. Also rewarding had been the experience of assisting a detainee with infant twins to take on a sole parenting role after his partner's (and sponsor) health deteriorated and she was no longer able to undertake this role.

## Summary of findings

To summarise, all participants experienced inconsistent caseload numbers and mentioned the associated negative side effects as stress and feelings of compromising one's own standards of practice. The Manual, while providing guidance, also appears to allow for a considerable amount of individual interpretation and input from the HDPO so that not all curfew violations for example result in Court action. Participants also believed that some of the changes to internal policy have not appeared to be of assistance in the management of the sentence. This is especially true of the removal of the ability to test for substance abuse.

While the participants of this study showed resilience and initiative in dealing with difficult clients and maintained that working with clients is an extremely enjoyable part of the role, the development of policy could be enhanced if more consultation with those who manage the sentence was to be implemented to ensure consistent practice. As Simon commented

*we are always being imposed from above...we are the people who use it, we should have the first input...first say.*

The following chapter continues with the presentation of data collected from the interviews with HDPOs. The content of the next chapter will explore supervision, programmes and electronic monitoring.

## CHAPTER FIVE

### SUPERVISION, PROGRAMMES AND ELECTRONIC MONITORING

In this chapter the Home Detention probation officers' (HDPOs) perspectives concerning the impact of the monitoring phases, supervision, programmes and the significance of programmes for the HDPO will be presented and discussed. This will be followed by a discussion on the impact of electronic monitoring on the detainee from a HDPO perspective. Supervision, programmes, and electronic monitoring are the three major structures that support and maintain the order of Home Detention.

Before discussing the impact of supervision, the monitoring phases and programmes, it is useful to keep in mind that the interviews and study were completed during a period when the structure of the programmes provided or purchased by the Department Of Corrections were under review.

While the programmes mentioned in this study, Structured Individual Programme (SIP), Criminogenic and Tikanga Programmes were still available, the eligibility criteria and internal structure of the programmes had altered. For example the SIP was unable to be delivered by Probation Officers and was now only allowed to be delivered by members of Intervention Services (IS). The number of hours a detainee is directed to attend a Criminogenic Programme had been increased from a minimum of 70 hours to a minimum 120 hours and a maximum of 300 hours.

#### **Administering the Home Detention Order**

Administering the Home Detention Order for a detainee is predominately comprised of supervision. The supervision of detainees can be considered to be the everyday monitoring, regulation and case management administration of their sentence, and generally commences when a detainee is allocated to a HDPO. Supervision for detainees is comprised of the intensity and frequency of HDPO contacts per week. The Operations Manual Sentence Management (hereafter known as OMSM) provides the criteria and guidelines that assist HDPOs to allocate detainees to the correct sentence management regime.

The intensity of supervision that a detainee will experience is decided by the sentence management regime they are allocated to. All Home Detention detainees are automatically allocated to the Direct Practice 2 (DP2) Management Regime. This management regime is comprised of intensive monitoring, intervention and referral to programmes, based on the needs of the client and his or her release conditions and barriers to attending programmes. The HDPO is expected and required to motivate unmotivated detainees and take appropriate enforcement action for non-compliance should this be needed (OMSM Volume 2, Chapter Six, Part III – Sentence Planning, p. 6A-1 to 3).

The frequency of contacts per week the HDPO is required to make is decided by the monitoring phase and monitoring regime the detainee is allocated to. The OMSM contains the criteria for allocating a detainee to a monitoring regime (MR). The MR is determined by criteria that considers factors such as whether the detainee is a sole adult occupant of the residence, has childcare responsibilities or alcohol and/or drug issues. Where a detainee has committed a serious offence such as sex offending, this bypasses all other criteria and they would fall automatically under the MR3 regime (OMSM Volume 2, Part 3, p. 3-3).

A detainee's monitoring phase is a reflection of how long they have been subject to the order. A detainee will remain on phase one for the first half of their order, move to phase two for the second quarter, and finally phase three for the last quarter of their order. The phases also determine the type and, in some cases, the frequency of approved absences a detainee is eligible to apply for (OMSM Volume 2, Chapter 2, p. 2A-5 to 2A-6). The number of visits by the HDPO per week also reduces as the various order phases progress. For example, a detainee in phase one and allocated to MR1 would receive supervision at the rate of one home visit and one phone call per week, while a MR3 detainee on the same phase would receive three home visits per week. The MR1 detainee on phase three would be supervised by alternating home and office visits weekly and the MR3 detainee by one home visit per week (OMSM Volume 2 p. 2A-5).

In summary a detainee is managed from criteria stated in the OMSM. This determines the intensity of supervision (DP2) and the frequency of contacts by the HDPO is determined by management

regime (MR 1, 2 or 3) and the phase (1, 2, or 3) the detainee is on. The following section discusses the HDPO's perspectives on administering the phases and management regimes of detainees.

### ***Administering the phases and management regimes***

As previously discussed, a detainee's sentence is divided into three phases. A detainee will remain on phase one for the first half of their order, move to phase two for the second quarter, and finally phase three for the last quarter of their order (OMSM Volume 2, Chapter 2, p. 2A-5 to 2A-6). The objective of phasing a home detention sentence is to provide support and control structures that allow a detainee to gradually reintegrate into the community.

Participants reported that the phases were working relatively well for most detainees. The main area of concern raised by the participants was that they felt the phases were not adequately spaced, and the manual policy lacked procedural guidelines regarding this. Two examples were given: a detainee can receive a sentence of Home Detention of 12 months but be eligible to apply for release to Parole within three months of being sentenced to Home Detention. Since the decision of the Parole Board was unknown, a dilemma existed in whether the detainee was to be managed on phase one for 6 months as the manual directs, or is the sentence to be managed as if they will be released within three months to an alternative sentence? The downside of the former is that once the Parole Board has made a decision to release the detainee, it is usually within one to two weeks that the next sentence of Parole commences. Therefore, the client will not have had the opportunity to be released in a staged structured process that allows for the gradual reintegration of the detainee to the general community. Concerns have arisen when back end home detainees<sup>1</sup> sentences are being managed. As Maria explains

*I had a back ender who automatically went to three times a week, then all of a sudden he went straight down to phase three for five days...so you never actually had an opportunity to ease himself back into the community.*

---

<sup>1</sup> "The Board may direct that an offender who is subject to a long-term sentence may commence home detention at any time after the date that is 3 months before the offender's parole eligibility date" (Parole Act 2002 Section 35 (4))

Both Mary and Keith believed that Home Detention was a valuable transition tool in working with backend home detainees to provide support between being released from imprisonment to living a 'normal' life. Keith remarked that he had "*had a couple of offenders who have been too scared to go out in public*" and required to be escorted/supported to initial appointments to ease them into their 'new' environment. Mary also stated that home detention for back-enders was

*excellent for high risk offenders...a transition from prison to living in the community, especially the way we go through the phases with them, by the time they are on phase three...they actually just about have a life back again.*

This statement was not made without remarking that home detention is still an artificial environment as detainees do not have the same social opportunities as non-detainees.

In contradistinction Dana believed the management guidelines and entitlement on the phases were too flexible. For instance a short sentence of two months did not, in Dana's view, warrant the detainee being eligible for recreational leave as in her experience this was when the detainee was most likely to violate the sentence. Other aspects of the recreational leave questioned by Dana were clarification as to whether the recreational leave was a right of a detainee when they reach phase two date, or something to be applied for and could be used as a reward or punishment. This confusion had arisen as newly trained Home Detention officers were of the understanding it was a right, which conflicted with her understanding.

The second example was again around the flexibility of the regimes when dealing with clients who have special needs. The restrictions for phase one do not allow activities that can be considered recreational (OMSM, Volume 2, p. 2A-13). Therefore, a client with learning disability, whose maturational age is significantly below his chronological age, can be difficult to keep positively 'occupied' until phase two where more activities are allowed. As Simon observed the manual does not address "*how to deal with the variable needs of Home Detention*".

Most participants stated that they felt the new phases were an improvement on the previous model whereby all detainees were visited three times per week throughout their order. A consensus existed that participants believed they would like more control into the management of the phases in order to meet the variable needs of detainees.

With regard to the management regimes (MR) a general feeling was that the manual supported a 'one size fits all' approach. This inflexibility is summed up well by Maria In her statement concerning the automatic placement of back enders on a MR3 regime of three visits per week

*just because they are back end home detainees [it] doesn't mean they will always have high risk and high needs.*

Therefore, the MR was generally considered to be working well and assisted detainees such as in Mary and Keith's examples. However, those detainees with solid family/whanau and community support and low rehabilitation needs, or attending rehabilitative interventions several times per week were not considered to require such a high level of supervision from the HDPO.

### **Impact of Supervision on Home Detainees**

The participants expressed a range of views concerning the nature and influence of supervision on detainees. All contact with detainees by the HDPO can be considered part of the supervision component of home detention. This includes the HDPO making referrals to programmes and the general clerical administration of the sentence, as well as one-to-one contacts. Although not all participants considered supervision in the same way, it was considered a vital part of the order and one which produced job satisfaction for the HDPO.

All of the participants indicated strongly that they felt the value of their role came from the ability to work with offenders in their environment at a level that they perceived as 'deeper' than is achievable within other sentence management roles. As Mary explains

*like today I worked a couple of woman clients and one was doing her nails, filing her nails while putting all this guff on them...but she was busy yakking away.....like she was completely relaxed...and the other woman was you know quite depressed...but wanting to talk ....she had taken to her bed.....and she was having one of her off days. And like I'm quite sure if that same woman had come to see me in my office today I would not have had that kind of conversation with her...like how else could you do a random call.. and you wonder why she is not coming to the door and you know she is home because she's on home d....and then you hear thump...thump...thump...she gets out of bed...comes to the door and she looks terrible...her eyes you know...and this is not the first time...and I'm saying to her you alright...and she saying oh yeah and I'm going...I get the feeling you're a bit down...well actually I am really...and away you go..... it's like these little windows of opportunity open up*

The belief that the home detention sentence opened opportunities over other sentence management roles within probation was also expressed by Peta, who stated “*you have so much more opportunity to work with them, to actually make a difference*”. Dana also felt that

*I value the fact that if they are motivated I can actually work with them to show how they can make the changes and see for themselves that they have made some changes.*

The overall perception of supervision for detainees was a positive one and was considered an important part of the order. The negative side of supervision was noted as being excessive in certain situations – as discussed in the previous section regarding MR3 detainees - and unproductive with unreceptive clients. However, as previously noted, the participants felt that the in-depth ability to work with the detainees was what they most valued in their role as HDPOs and all thought that this reflected positively on to the detainee.

Simon was one participant who considered supervision to be quite specific and structured. He gave a very strong impression that he considered supervision to be something that was very hands on and in-depth work with the detainee. For example the delivery of a Structured Individual Programme, as opposed to 'chatting' to them or sorting out the nuts and bolts of the order

obligations. Where he considered it appropriate he would start work with clients upon first contact. A creative use of the system and commitment to a client's rehabilitation saw one client assisted to put alcohol and drug counselling, tertiary education and an anger management program in place prior to appearing before the Parole Board to be considered for Home Detention. Simon's rationale for this was that the sentence of imprisonment the particular offender would receive would in all probability be too short for the offender to undertake any programmes as an inmate, whilst a sentence of Home Detention would facilitate the rehabilitative interventions already commenced to continue.

Peta saw the contact component of supervision within Home Detention as a positive intervention. She believed that

*you cannot have an order of home detention without the contact...actually the order of home detention ...that is what it is...it is close contact...interactive interaction.*

Mary on the other hand, was always mindful that the close contact and sharing of stories and experiences could build co-dependency. A word of caution was given that one should be ever watchful of this developing. However, this same contact also had the possibility of building respectful positive effective working relationships and providing the time for the detainee to develop discipline regarding time frames and accountability.

While supervision was generally seen by all participants in a positive manner there were occasions when the supervision requirements were in some circumstances considered to be excessive or having no effect. These circumstances were considered to be when the detainee had positive and appropriate support structures in place, such as family/whanau or community support. Mary for example considered the weekly visits of sometimes up to three, as "*overkill, I don't even see my best friends twice or three times a week.*" Maria also commented that having a detainee who was under the MR 3 management regime, requiring three visits per week, as having the potential to be cumbersome for the HDPO. She gave the example of one particular detainee who was on this regime for a period of nine months, whilst attending a programme, receiving psychological counselling and was

*doing all his rehab work within the group...now I don't want to interfere with the work they're doing...so basically I'm doing three visits a week, how's things going, cool, thanks, bye and I see that sometimes they're thinking, why do you come?*

Keith believed that the supervision component of home detention was only effective if the detainee was receptive to it

*you can do all the motivational interviews and provide positive reinforcement and encouragement and all those types of things, positive role modelling...but unless the offender is receptive to it, there is no benefit to be gained from the interaction.*

The impact of supervision for detainees was generally considered to be a positive one that had the opportunity to make a positive impact upon the detainee's thinking and to facilitate structure. However, if the detainee was not receptive then Keith believed that supervision would have no positive impact.

### **The impact of programmes for detainees**

The impact of programmes revealed mixed views, with participants raising issues concerning the lack of impact of the programmes, programmes being used for self advancement, the rescheduling of programmes, and the entry criteria for programmes, whilst also considering them to be a positive aspect of the order.

On the whole, participants considered the programmes as a positive aspect of the Home Detention Order for those that needed it and were able to participate in them. The positive aspect of the programmes was the belief that the programmes provided the opportunity for detainees

*to learn new skills and know how to avoid how they got in to that place...prison in the first place, and to own their own issues not just the incident of offending but their lifestyle, how they live their lives and how they want their lives in the future.*

Simon expands on this in his observation that

*a lot of it is they haven't considered or thought about the alternatives and their PIG [problem of instant gratification] in their lives and the influence of other people, anti-social associates...it doesn't enter their heads. Yet something like the Structured Individual Programme or Straight Thinking Programme puts it there.*

While Maria was unsure of the effect that programmes had on the detainees she thought that "they probably get a lot out of it because they've got no option but to go". In contrast, Keith had spoken to a number of detainees

*who have said it's a complete waste of time, one term was it didn't push their buttons, the programmes were too long and they lost interest and one or two have said that they found it more of a sentence [than Home Detention itself].*

There was also an impression that some inmates or detainees were engaging in programmes to advance their home detention applications or participating purely because it was a condition of their sentence, as opposed to a desire to make actual lifestyle changes.

Another issue that had an impact on detainees was what these HDPOs described as the constant rescheduling, and in some cases cancellation of programmes. This meant that in some cases the special conditions imposed by the Parole Board were not able to be met.

The criteria for entry to programs also caused some concern for those detainees considered to be of low risk of reoffending. For example, those on Home Detention for benefit fraud are often calculated as at low risk of reoffending, therefore they do not meet the risk criteria for entry to programmes. This is in spite of any benefit that could in all probability be gained for the detainee, as many who are convicted of fraud are recidivist offenders and, in Simon's view, would benefit greatly from the Straight Thinking Programme. This can effectively mean that a detainee may have an order of home detention but not be directed to attend any programmes because they do not meet the entry criteria and will spend much of their sentence without rehabilitative opportunities.

Simon believed that *"if a person is going to sit at home...he may as well sit in prison"*. This was also raised by Dana who believes that *"if we don't do the programs with people, we then really are just turning ourselves into prison officers."*

In summary, the issues raised by these participants questioned the validity of the screening criteria and identified these criteria as incongruent with their professional opinions concerning detainee suitability with the possible lack of impact of the programmes being linked to invalid selection processes. Concerns were also raised regarding the rescheduling of programmes and why they are not consistent with Parole Board release dates, and why places on programmes were being taken by those using the programmes for their self advancement before the Parole Board, as opposed to a desire to address their criminogenic needs or behaviours.

This suggests that while the HDPOs see the significance of programmes for detainees, the criteria contained in the current policy are limiting opportunities for detainees to attend these programmes when they are available.

The impact of programmes for detainees was generally considered a positive one. It was felt that the programmes provided the tools with which the detainee could take responsibility for their criminogenic needs.

### ***Programmes – what stands out?***

The negative issues with programmes that stood out for these HDPOs concerned the lack of impact that the programmes were having for some detainees and poor scheduling of the programmes. The timing schedule of programmes was considered to have been removed from the control of Probation Officers and placed with Intervention Services. The result of this was that Parole Board hearings and possible Release Dates were not being considered in the timing of commencement of the programmes, so that programmes coincided with Parole Board Release Dates, therefore capturing the maximum number of possible participants. A final negative point raised was the number of clients undertaking the programmes because they are directed to do so, as opposed to a motivation to change.

The positive aspects that stood out were the HDPOs' ability to mix and match the content of various programmes to correlate with the needs of the detainee, use this in their work with detainees, and the ability to see a change in clients. Maria noted how rewarding it was when detainees had "seen the penny drop".

The Structured Individual Programme (SIP) was identified by Keith as having the most positive impact on detainees. As he explained

*[It] might be the personal one to one that the facilitator had with that person...there is a huge gap in positive responses between criminogenic programmes and SIP...SIP is actually looked at relatively positively.*

The topic of programmes produced a contrasting picture from each participant. The bottom line appeared to be one in which, when the detainee is ready and receptive, the programmes are beneficial and were spoken of in the highest terms. However, when the detainee is not motivated programmes were thought to be open to abuse for illegitimate gain and considered an unproductive exercise.

This produces a dilemma for policy makers in that the assessment for these programmes is perhaps not as robust as it could be in identifying those who are truly motivated and have a need for particular programmes. It would seem only commonsense that it is better to provide a programme for someone who is willing to address their criminogenic needs, as opposed to someone who scores higher on the eligibility scale and is provided with these resources but is not motivated.

## **Summary of findings on programmes**

The implementation of programmes was viewed as a vital part of the Home Detention order and despite the ambiguous motivation of some detainees and scheduling and cancellation issues, programmes were generally supported by HDPOs in this study. The fact that these points were raised within this study indicated the strong feelings that these participants had about having quality programmes available for the detainees as a rehabilitative measure and that detainees

should be addressing the issues that brought them to such a order. It was generally felt that detainees should not be on Home Detention unless they were attending programmes to address criminogenic needs. It may be that a more co-ordinated approach to programme scheduling and Parole Board release dates would remedy this situation.

Another major difficulty with programmes that was raised was the discrepancy between the criteria for inclusion in a programme and official programme criteria and what HDPOs see as interventions that would benefit clients. As raised at the beginning of this chapter, the criteria for inclusion in programmes has altered since these issues were raised with participants. It may be that the new measures in place will resolve these issues.

## **ELECTRONIC MONITORING**

Electronic monitoring differentiates home detention from other types of sentence management overseen by the Probation Service. A major component of home detention is electronic monitoring (EM). The detainee wears an electronic anklet that is encoded with information that identifies them. Within the approved residence a monitor receives a signal from the bracelet and relays this to a central monitoring company. The monitoring company has information e-mailed or faxed to them from the HDPO so that they are aware when a detainee has permission to leave the residence. Once a detainee has left the residence they can still be monitored by a manual system whereby a representative of the monitoring company can verify their whereabouts by locating the signal from the anklet with a hand held device. An approved site can be a residential address, worksite or programme. EM is considered a vital element of the sentence. As Peta clearly stated *"if you ain't got it you don't have home detention"*.

This section reports the participants' perspectives of EM, what stood out about EM for them and whether they thought the process and equipment were effective. This is followed by an examination of the relationships between participants and the monitoring company, the impact of EM on the detainee, and concludes with a summary of findings and conclusions.

### ***Electronic monitoring – what stands out?***

The stand out features in relation to electronic monitoring for HDPOs were the irregularities experienced with the equipment, and problems with the service provided by the monitoring services. The word "frustration" was frequently used. The particular issue most often nominated was that the detainee absence approvals e-mailed or faxed to the monitoring centre were not being recorded. This meant that a HDPO may be contacted and informed that a detainee had violated curfew when in fact they had been approved to leave the residence. Alternatively, HDPOs were not being informed that detainees had violated curfew or had failed to be located when manual monitoring had been requested.

A common complaint was equipment signalling that a detainee had gone out of range or violated a boundary when they were still physically within approved boundaries. As Mary explains

*[I] started writing in my diary the time I got to his house and the time I left because notices were coming saying he was out of range...and a couple of times I was actually with him at the time of the alleged violation.*

The consequences of this situation can be that a detainee is constantly concerned that s/he will be recalled to prison for a violation, which was in fact an equipment fault. In the above instance the dedication of Mary remedied the situation by immediately visiting the client whenever a violation was reported. However, from the Probation perspective this can be seen as a waste of resources, whereas from the detainee's perspective, it is perceived as a constant stress which is unhelpful to his or her rehabilitation. It also brings into question the integrity of the sentence itself, as how can the detainees have faith in a system that is demonstrated to be defective? The unanimous response to this section was that there is more negative than positive which stands out for the probation officers with regard to electronic monitoring. As Keith explained he has "*very little faith in the accuracy of the monitoring...the equipment is old, it is constantly breaking down.*"

***Electronic monitoring process – is this effective?***

Another prevalent issue for most participants had to do with manual monitoring requests not being carried out because monitoring staff were unable to find physical addresses, and not notifying the HDPO.

The discontent with some issues of manual monitoring can be seen to originate from a change in policy. Prior to recent changes the policy stated that

the Probation Officer may ask the monitoring company to confirm either visually or electronically that an offender is at a specific residence, work site etc, during an approved absence. It is also noted that the requests must be realistic and that the guard should not be required to search for the detainee (Community Probation Service Operations Manual, Volume Four, p. 11-9).

However the policy now states

Manual monitoring involves a security guard using an electronic mobile receiver to pick up the signal from an offender's bracelet at a distance of up to 30 metres. Manual monitoring should be discreet, at random intervals and, where possible, the offender should not know that the guard has made a check. The security guard should be able to use a mobile receiver to detect the offender's signal without leaving the car" It is further noted that situations such as high-rise buildings cannot ensure that a signal will be successfully detected therefore the abilities of the equipment and access to locations need to be considered (OMSM Volume 2, Part Four, Chapter Two, p. 2C-14).

Manual monitoring is a process whereby a detainee's presence at a specific location is verified by electronic or visual verification. Electronic verification is achieved by a member of the security firm verifying that the detainee is present by using a mobile electronic verification device in the vicinity that the detainee is approved to be in. The mobile electronic verification device detects a signal from the detainee's anklet and relays this to a monitoring centre. Visual verification was used generally when for some reason the electronic signal could not be located.

It is felt that policy changes have meant a reduction in the monitoring company's ability to carry out previously approved manual monitoring requests. The security firm carrying out this function is now deemed unable to monitor premises that were previously approved for monitoring, such as high rise buildings, and visual verifications have also been annulled. The 'hands off' approach has caused some concern for a Probation Officer that services a busy city area and has had clients working on high rise construction sites. The manual monitoring of clients in these situations maintains the integrity of the sentence and there is a reliance on an efficient service from the monitoring company. Previously there has not been an issue for monitoring of clients on these sites.

Concerns have also arisen for manual monitoring when in one instance a notification was received at 1pm that a client was not on site after a scheduled 11am manual monitoring check. The HDPO believed that this situation has arisen due to the security firm being unable to physically check for the detainee when the requested 11am check was not successful. The monitoring signal at 11am was relayed to a central Auckland site, where he considers this information was not acted on immediately. Manual monitoring has caused concern for more than one HDPO and some have made their own queries with security staff. The result of these investigations has been that the security personnel verified that they were physically able and willing to conduct these services but directed not to.

One participant stated that she felt probation staff were proactive in dealing with issues to the advantage of the monitoring service but this was not reciprocated. For example, contacting the local contractor to confirm they have been advised of a hook-up or termination request as often administratively the request has not been passed to them. In another example, the monitoring centre would not accept an absence request to allow a new detainee to go to their employment if it was submitted with less than 24 hours notice.

The feeling towards the electronic monitoring process is that whilst not being perfect, it is pivotal to the Home Detention sentence. The most consistent grievance against the process had to do with the miscommunications that occur with the monitoring company which participants laid squarely at the feet of the monitoring centre. While the policy outlines clearly what can and cannot be expected

from the monitoring company, the reduction in service has caused some concern for some HDPOs. However without a policy change this is not likely to be resolved.

### ***Electronic monitoring equipment - is it effective?***

While one respondent felt the equipment was generally effective, the majority did not. Various issues were identified such as a lack of monitors, anklets, reliability of equipment once installed, its maintenance and the number of adequately trained security staff. The unreliability of the monitoring units was specifically mentioned in that if the telephone handset is not functioning the ability of the detainee to call the Probation Officer is considerably reduced. As Maria explains:

*[people on] cell phones ...don't have credit...so one of the important parts for me is the detainee having a handset that works.*

Keith also commented on the fact that equipment has been sent away for repair and later reinstalled with the same faults arising, in particular the handset not working. However, Simon reported that the monitoring process that was available had been a "salvation" for one high risk client, as it allowed the installation of monitors at both the detainees residence and place of work, thus enabling this detainee to be employed. Without employment this detainee's rehabilitation would have been severely restricted. Overall however, participants did not have a lot of confidence in the monitoring equipment that was used in the sentence of home detention which they had to supervise.

### ***Monitoring service HDPO - relationship***

Only one participant thought that the relationship she currently had with the monitoring service had reduced dramatically due to policy directives that do not encourage HDPOs to have contact with the local security staff. Officially all communication is required to be passed through the main monitoring centre, which then forwards it on to the local companies.

However the five remaining participants either personally fostered or cultivated good effective relationships with both the national and local security teams as they found that this assisted in the administration of their roles. Maria explained that it *"works for me to have a good relationship with the guard"*; while for Keith this was important *"just to make sure we run efficiently"*. There was a general agreement that contact with the local security firm was essential to confirm that information about detainees had been passed through to the local security companies as often it had not.

### ***Effects of electronic monitoring***

The overall consensus of the participants' was that the detainees have displayed very little, if any, negative psychological effects from or towards the actual equipment. Only one detainee had reported feeling embarrassed by the anklet and consequently refused to attend his employment. Another detainee had a serious allergic reaction to the anklet with her skin reacting to the anklet. This was overcome, however, by a large proportion of good humour from the detainee and changing the anklet as one leg reacted and the lesions on the other healed. One participant also noted that during one particular summer many anklets had to be altered due to the swelling of limbs. Other effects, such as cabin fever and the anklet reminding detainees they are on a sentence were noted. However, the effect of equipment was considered to be neutral with Mary observing *"some wear shorts in summer and have it on display [while] others go to great lengths to hide it"*.

Keith noted that the more negative effects of the order appear to come from family members and partners rather than detainees. He recalled a sponsor being very concerned that the neighbours might know of the detainee's order or that any vehicles visiting the premises may be marked and thereby attract attention. Simon explained that his experience had shown that a sponsor may display resentment towards the detainee if the order is long. The sponsor having to attend to many details of the detainee's life can also generate resentment towards both the detainee and the order in general. This is despite having these types of issues explained and discussed at the application stage. Simon remarked that he takes great pains to make it very clear to the sponsors that *"they are not to feel sorry for"* the detainee and that they are not subject to the home detention order. However, sometimes the reality of living with the detainee and the order only becomes clear when the sentence is being actually served.

Mary has discovered that a negative effect for her has been when sponsors see her as an authoritarian who will achieve the discipline that the sponsors have not been able to achieve. She explains that the HDPO is seen by some sponsors as *"the one who wags the stick and they are almost gleeful at this idea of having this professional"* to set boundaries they have unable to achieve. She had one sponsor say to her *"go hard...you go hard"* when needing to verbally reprimand a detainee.

Maria felt that there were no negative effects for the sponsors generally, explaining that

*I don't believe they're affected by the electronic side unless the gears not working...then they have people knocking on their door.*

### **Summary of findings**

While believing that EM is essential to the Home Detention Order, the irregularities of the monitoring equipment and the relationship with the monitoring centre were the most frequently raised areas of concern. From the experience of the HDPOs in this study, issues around the reliability and/or servicing of the equipment were to the fore. Miscommunications with the monitoring centre were noted for the potential negative impact on the delivery of service they can have as was the reduction in manual monitoring services. However, these have largely been reduced by the HDPOs taking the lead in confirming that the service they have booked with the monitoring centre has filtered down to the local company.

Generally, the participants had not observed any negative psychological effects of home detention for detainees. However, some sponsors were reported as having negative psychological concerns regarding having being identified as a sponsor, or associated with a detainee, and once again unreliable equipment requiring attention was noted as having a potential to add stress to being a sponsor.

The beginning of this chapter explored supervision and programmes, HDPOs gave their perspective of administering the phases and management regimes and what impact they believe supervision and programmes had upon detainees. Supervision of detainees was a component of

home detention that provided job satisfaction. However, high caseload numbers had the potential to cause stress and during these times HDPOs commented that they felt their ability to deliver a level of service that met their own personal standards was compromised. Management regimes and phases were at times considered to be too rigid and did not meet the complex needs of detainees. Further complicating the effective supervision of detainees was the Parole Board directive that detainees are not to consume alcohol or drugs whilst on home detention; however, there is no legal ability to enforce this or test for non-compliance of this directive.

The implications of the findings in relation to both supervision, programmes and electronic monitoring will be discussed in the next chapter.

## CHAPTER SIX

### CONCLUDING THOUGHTS AND DRAWING SOME CONCLUSIONS

The aim of this chapter is to present an overview of the thesis, acknowledge the limitations of this research, summarise the results of this research, identify the implications of these and present the recommendations arising from this study.

#### *Overview of this thesis*

This thesis has argued that punishment is currently in what Ball et al.,(1988) consider to be the fourth phase of punishment. Punishment has evolved from an informal practice to a state controlled policy and developed alongside human societal cultural norms as a means of displaying the consequences of non-conformity to societal norms. Punishment has grown from an appeasement to reduce the likelihood of natural disasters and being controlled by religious authorities, to secular authority using and publicly displaying the offender's body as a show of power. This has been followed by the transportation and imprisonment of offenders and the subsequent attempts to rehabilitate the incarcerated. It is from the attempts to rehabilitate and the increasing musters and costs associated with the incarceration of persons that home detention is increasingly being seen as a viable alternative to imprisonment.

The literature review provided a background to the formation of the New Zealand Probation Service, the development of home detention and current 2002 Sentencing and 2002 Parole Acts which provide the legislation that underpins home detention. This was followed by a review of literature relating to various aspects and issues of home detention.

#### *Review of methodology*

The methodology employed in this study is qualitative and informed by Standpoint Theory. Standpoint Theory is congruent with the ideals of this study as what is sought is a focus on the "everyday/every night" experiences and perceptions of the participants. These participants are the subject experts and this snapshot of experience and perceptions are therefore recognised as valid and meaningful (Smith 2004 p. 264).

**Research sample**

The research sample consisted of six home detention probation officers who were self-selected. This sample proved to be not only geographically diverse, but also provided a diversity of backgrounds, experience, commitment and knowledge containing a mature and rich sample which this study has had the privilege to draw upon.

**Method**

A semi-structured conversational type interview schedule was developed from the literature review. This formed the foundation for in-depth interviews that investigated the participants' background details, home detention training experience and requirements, their philosophy of home detention, the influences that guided their practice, their experiences and perceptions of supervision, and thoughts about programmes and electronic monitoring. Eighty-one pages of single-spaced transcript were subsequently analysed using cross case and thematic analysis procedures (Patton 2002).

**Limitations**

Several limitations to this research were identified. It is argued that the first of these is a perceived limitation and regards the researcher's role as an insider (see White, 2001 in Shaw and Gold, pp 103-106). The second concerns the changes that have occurred in the manuals since the construction of this study. With regard to being an insider, the participants were aware of the researcher's position and title prior to agreeing to take part in this research so were therefore fully informed and no deception was needed or used. The researcher's insider position and shared work culture was transparent therefore adding researcher credibility to the participants as the participants are aware that a genuine interest in this study existed. In relation to the changes to the manual, although these were substantial, the substance of the basic objectives constituting the focus of the research remained, meaning that the research questions remained relevant

Another limitation raised relates to the relatively small sample size in this research and the acknowledgement that this could reduce the ability to generalise these findings to a wider population. However, whether they can be generalised or not, the results from this sample are

valuable as they provide a snapshot from those actively practicing home detention from which conclusions can be made and further research identified.

One additional issue was the alterations to rehabilitative programmes since commencement of this project. However, these were not considered significant, as the questions in this study were focussed on the content, rather than timing and duration, of the programmes.

### **Review objectives of the research**

The primary aim of this thesis was to examine the perceptions of Home Detention Probation Officers currently administering the order of Home Detention, with regard to the two primary objectives from the CPSOM that are now contained within the rehabilitation and reintegration sections of the OMSM. These are to;

- Ensure that criminogenic needs are met by the constructive use of programmes
- Ease the transition of inmates back into the community through a staged process of release, by providing support and control structures

Specifically, what 'fit' do these objectives have with the everyday practice/s? What part do the objectives play in guiding practice/s?. How do they impact on HDPOs' practice? Additional questions explored were, are these objectives achievable and what supports and/or hinders their achievement?

## **Key research findings**

The following will present the major research findings regarding supervision, the manual's 'fit' with practice, programmes and electronic monitoring.

### ***Key finding 1: Supervision***

The supervision of detainees is a major part of the HDPO's role. The following factors were identified as hindering practice

- high caseloads which have the potential to cause stress and compromise practice
- management regime and phase restraints which do not meet the variable needs of detainees
- difficulties in effectively dealing with alcohol and drug violations.

### ***Caseloads***

Morrison (2002) raised the suggestion that high case loads were seen to be a leading cause of stress. Participants of this study also suggested that their level of practice was being compromised, along with their ability to deliver effective reintegrative or rehabilitative measures by high caseloads. This raises the question of how to keep workloads at a manageable level so that best practice is not compromised and work related stress is reduced. Once again, the driving force or philosophy that HDPOs believe the ability to effect change is fundamental to their practice and job satisfaction relies on these for their maintenance.

### ***Management regime (MR) and phases***

Two key findings were prominent. The first was that the procedures in the manual did not cater for the complex requirements of some detainees, particularly those with special needs. In this case, more flexibility would have enabled the HDPO to better meet the individual needs of the detainee. However, these 'gaps' also provided the ability for HDPOs to work creatively within their role.

The second regarded the issue of 'overkill' for some MR3 detainees who require visits three times per week. It was suggested that a provision could be included within the policy for clients to be visited less frequently if a detainee is attending and participating in programmes and fully

compliant. The number of HDPO visits could be reinstated when the programmes are completed. It was felt that the verification of the detainee's attendance at programmes could in effect be considered as a sufficient indication of compliance and monitoring. The flexibility of supervision to adapt to judicial (Whitfield 2001) and supervision administrative requirements could be viewed as a valuable tool when caseloads are high, in order to reduce stress and allow more time to be spent assessing and implementing rehabilitative interventions for detainees whose needs may be higher. It is also important to keep in mind that programmes and other rehabilitative measures administered under supervision have been found to reduce recidivism (Whitfield 2001, Ball et al., 1988), and effectively deal with social, behavioural and cognitive dysfunction (Rossiter 1988).

### ***Alcohol and Drug testing***

Participants felt that their practice could be enhanced by the ability to test for alcohol and drugs which would have follow-on effects of maintaining the integrity of the order and enhancing community safety. This would also contribute to the safety of HDPOs. This may become more pertinent given that higher numbers of high risk clients are being released to home detention, and that many detainees have alcohol and drug abuse intertwined within their offending.

It seems paradoxical that a detainee will be directed by the Parole Board to remain alcohol and drug free, yet the HDPO managing that sentence cannot monitor this condition by way of testing, therefore reducing their ability to effectively monitor the conditions or the likelihood of successful prosecution. The implication of not successfully detecting substance abuse within detainees who choose to violate this condition is that the integrity of the sentence is placed at risk. Further research in this area could canvass what the Parole Board expectations are in terms of monitoring and enforcing of this condition.

## Key finding 2: The manual's practice 'fit'

While the manual was considered to offer guidance and structure for the administration of home detention, participants identified that

- the manual was considered sparse with information in places (e.g. after hours incidents)
- this could be improved with consultation and training

Most participants stated that the most effective training they received occurred whilst they were on the job. This suggests that some of the negative comments regarding training may be due to the timing of training delivery, in that to have training delivered some 12 months after beginning working in the field was neither helpful nor resource efficient. It did little to support staff or build a sense of ownership of their role and potentially left staff feeling ill-informed and ill-prepared. Of particular issue was that the focus of the training was considered to be predominately clerical administration, effectively leaving some important practice issues unattended.

Practice issues that were not dealt with in official training, such as after hours incidents and high-risk situations were areas specifically nominated as causing the most concern. Also noted was the need for training with families, as indicated by Morrison (2002 p. 36) in that "business hours do not apply for those families living with home detention", and Gibbs and King (2003). This is further supported by Quinn and Holman (1991) who advocate for studies to investigate the relationships and interactions, and (Gibbs and King 2002, 2003a) the social and economic impact for sponsors and detainees. While Raider (1994) considers home detention as less intrusive on privacy, Ball et al (1988) and Gibbs and King (2003a) suggest that home detention can develop self discipline, structure and time management, Morrison (2002) notes the need for community supports for both detainees and sponsors, which may be effective in dealing with sponsor resentment as identified by Simon and Gibbs and King (2003).

It was suggested by participants that regular conference type meetings would assist in the dissemination of knowledge about how to effectively deal with areas of concern. It is uncertain where the discrepancies within training originate. However, to not address deficits potentially leaves HDPOs and the Department of Corrections open to negative criticism should any incident

occur. These participants' perspective was that, at times, no explicit policy exists to support HDPO's practice nor close the current policy gaps. The consolidation and further investigation of areas seen as requiring attention (e.g. after hours incidents) could be beneficial in the long run to both HDPOs and the Department as a whole.

### **Key finding 3: Programmes**

The four findings that emerged from this section of the research were

- the importance of programmes to be available to detainees
- that programmes are being misused therefore reducing the available places for motivated participants
- scheduling of programmes is incongruent with attracting the largest possible number of participants
- the entry criteria to programmes is excluding some who could potentially benefit from the programmes.

Overall participants were supportive of the programmes currently provided as they saw these providing cognitive opportunities with which the detainee could make change in their thinking patterns and lifestyle choices. This is supported by Courtright et al (2002), Finn and Muirhead-steves (2002) and Gainey et al (2000) who also argue programmes reduced recidivism. However, there was concern that the programmes were open to abuse. It was felt that some offenders were using the programmes for self-advancement, for example to further their case for release to Home Detention or Parole, as opposed to a true receptiveness to change. The implication of this suggested that a genuinely motivated detainee may not gain a place on a programme, and a perception could exist, as it did for one participant in this study, that the programmes have no impact for many clients.

It was argued that since the organisation of programmes has been removed from probation officers' control there had been significant disruption, with Parole Board release dates not coinciding with programme start dates. This, combined with rescheduling and cancellation of programmes, has often meant that Parole Board special conditions cannot be met. It was

suggested that a return to an approach that co-ordinated programme start and Parole Board release dates would resolve this issue.

The final key theme for this section relates to the eligibility criteria for inclusion to programmes. Currently those considered being of low risk of reoffending, but who are recidivist offenders are often not included in programmes. It does appear to be paradoxical that a recidivist offender is not considered to be high risk of reoffending if that offence is for example, fraud. While if they were a recidivist offender for most other offences, they would be considered a higher risk and therefore increasing the likelihood of inclusion into a programme. It would seem only common sense that it is better to provide a programme for someone who is willing to address their criminogenic needs as opposed to someone who scores higher on the eligibility scale and is provided with these resources but is not motivated. The assessment for these programmes is perhaps not as robust as it could be in identifying those who are truly motivated and have a need for the programmes. As Bonta et al., (2000), Gibbs and King (2003) and Anstiss (2003) suggest, the best results come from matching risk and need.

### ***Possible solutions***

A measure to overcome some of these issues could be to once again allow HDPO's to train in the delivery of the Structured Individual Programme (SIP). This would allow HDPO's to provide the benefits of programmes to those who HDPO's assess have both the need and motivation. However, once again caseload numbers would need to be calculated into this equation to allow time for programme delivery. The implications for the Department would be that more detainees would be captured within rehabilitative programmes and may alleviate some of the discontent mentioned above with regard to programmes and delivery.

### **Key finding 4: Electronic monitoring**

It is acknowledged by the participants in this study that the electronic monitoring (EM) component is vital to the order of Home Detention as it provides two things. One is physical monitoring of the detainee and, as suggested by Maria and Bontal et al.,(1999), Whitfield (2001), EM may have the added impact of detainees, willing or not, absorbing programme content by virtue of having to attend. The major themes to emerge were

- the untrustworthy nature of the equipment
- the reduction in services such as manual monitoring
- mis-communications with the monitoring service.

The areas to be resolved are

- Improve technological communication procedures with the monitoring company
- Improve the reliability of monitoring equipment
- Improve manual monitoring procedures and guidelines

The issue of unreliable equipment was noted by the participants in this study and Gibbs and King (2003) as troublesome and as something that adds stress to families, sponsors and detainees. This may be resolved in the near future with the introduction of more advanced methods of detection such as Global Positioning Satellite technology and the voice verification technology currently being trialled (Hosken and Drake 2001, Smith 2001, Bright 2002, Department of Corrections 2006).

The issue of reduction in services from the monitoring service, for example with regard to manual monitoring, is an issue that would need to be addressed, but once again at a policy level, as it is policy that has dictated the limitations. It was suggested that consultation with those administering the sentence could better inform policy, or proposed policy changes could be disseminated to HDPOs for comment prior to implementation.

The issues with miscommunication between the monitoring service was largely circumvented by the HDPOs who participated in this study, putting the policy to one side and fostering relationships with local monitoring staff to confirm their requirements. While officially against the rules, it is considered necessary from these participants' perspective and proved effective for the efficient functioning of Home Detention for them.

## **Implications of research findings and suggestions for Community Probation Service**

The implications of this research are that the content of the manuals provided for HDPO's to administer Home Detention could be improved by

- utilising the HDPOs' knowledge and experience to identify areas of concern and deficit.

All the participants in this research indicated a willingness to attend conferences or other appropriate forums to disseminate knowledge so that all those involved in administering this sentence could benefit from the sharing of experience. The Community Probation Service appears to have a wealth of knowledge and employees at its doorstep, but the general feeling that was gauged from this participant group was that their expertise was not fully recognised. A major implication of this expertise remaining untapped is that job satisfaction may be diminished and staff possibly lost to other areas in the service, or they may leave the service all together.

It was also suggested that participation in regular conferences could assist in the identification of further and future areas requiring refinement. As home detention continues to evolve, regular discussions on manual content, subsequent practice issues and electronic monitoring have the potential for a two fold effect. The first is assisting in the development of consistent and safe practice, and secondly in keeping both the HDPO and department as far removed from negative criticism as possible should an incident arise in areas where policy is not as robust as it could be.

### **Future research identified from study**

The perspective of Maori is notably absent from this research. The perspective of Maori has the potential to provide valuable content and context to any research undertaken. Any further research on any aspect of Home Detention would be enhanced by the perspective of Maori detainees, HDPOs, sponsors, employers and support agencies.

Developments identified that would contribute to expanding this research and contribute to future research predominately relate to increasing the sample size and the composition of the sample. If a representative sample can be established, this could yield a statistically significant result. A larger,

more representative, sample size that yields statistical significance increases the strength of the research results, effectively improving robustness and allowing results to be generalised across gender, geography, and culture. A postal or electronic survey to all HDPOs targeting key areas of concern (e.g. after hours incidents, difficulties with identifying alcohol and drug abuse or training requirements) has the ability to achieve a significant sample size, therefore allowing generalisation and more fully informed policy.

This research also offers to future researchers the indication that making the views of front line HDPOs available to policy makers could provide a better fit between policy and practice. This was signalled in the current research when participants raised the issue of discrepancies between policy and practice when dealing with after-hours incidents, in that the existing policy was sparse for such a potentially volatile area.

In addition, this study points to the need for further research to explore the perspectives of detainees, sponsors and prospective employers in relation to the issues raised by the HDPOs within this study. This could again be achieved by a postal or face-to-face survey disseminated prior to or immediately after the detainees termination date. To avoid feelings of coercion or obligation, and issues of illiteracy, a third party would best deliver this. It must not be forgotten that it is the Department of Corrections that employees HDPOs, therefore, exploration of the probation service policy department's perspective of these findings would also be informative.

## **Conclusion**

The HDPOs in this research expressed a philosophy that was focused on providing detainees the opportunities and recourses the Department of Corrections has to offer. This was despite a growing concern and perception that the purpose of their role was possibly being redefined by the increasing numbers of high risk detainees, despite the literature that supports easing prison numbers has always been a consideration of home detention (Rossiter 1988, Whitfield 2001, Dodgson et al., 2001, Crawford 2004 and Vass 1990). High caseloads reduce the ability of HDPOs to deliver what they considered to be best practice and could have the unintended consequence of eroding the satisfaction that HDPOs gain from their role. Complicating these concerns were the issues HDPOs faced when rehabilitative programmes are rescheduled or scheduled not to meet

Parole Board release dates, and eligibility criteria to programmes sometimes in conflict with their professional opinion.

The improvement in training delivery, content and manual process and procedures, were themes identified as having significant impact on practice. It was felt quite strongly that more consultation from HDPOs working at 'ground level' should inform the substance of both training and the manuals. This would have a follow on effect of improving consistency within HDPOs and professional practice. Issues with management regimes and phasing and the variable needs of some detainees could be overcome with some minor policy changes. The area of enforcing abstinence from alcohol and drugs is an area of growing concern and is likely to require significant legal and policy consideration. The increasing number of high risk clients gaining access to home detention is also a cause for growing concern.

The issues this research identifies relating to difficulties with electronic monitoring and equipment may be resolved with the changes that will be occurring in 2007 to the 2002 Sentencing Act and Parole Act 2002 and the redevelopment of Home Detention. In the meantime, equipment irregularities and finding ways to effectively verify the position of a detainee when, for example, manual monitoring cannot be utilised, will be an ongoing challenge to HDPOs.

The participants in this study provided useful and practical solutions to the concerns they raised within this study. Should the Department of Corrections take advantage of the knowledge that these participants provided, it is possible that an improved training curriculum and manual could be developed. It is important to keep in mind that the majority of the manual content is considered to be helpful, but the areas that are identified as requiring reconsideration, for example after hours incidents have the possibility of serious negative repercussions for both the HDPO and the Department of Corrections.

### **Where to from here/Star gazing**

As a final note to this thesis I would like to draw the reader's attention to two new developments that are currently being undertaken. These are Effective Interventions in the Criminal Justice

Sector (EI) and trials to improve electronic monitoring, with Voice Verification technology (VVT) and satellite tracking through the Global Positioning System (GPS).

### ***Effective Interventions in the Criminal Justice Sector (EI)***

During the later half of August 2006, Barry Matthews, the Chief Executive of the Department of Corrections, sent a memorandum to the personnel of the Department of Corrections advising of the launch of Effective Interventions in the Criminal Justice Sector (EI). EI is the foundation from which the 'new face' of home detention is proposed. Changes to the 2002 Sentencing and 2002 Parole Act will provide the legal mandate for the proposed changes, and incorporate "tough measures" to deal with breaches and non-compliance (Effective Interventions Fact Sheets 2006 p.2).

EI is an intervention in response to "the increasing awareness that something further to existing initiatives needs to happen to reduce crime, re-offending and imprisonment". The rationale for EI is to "make offenders more accountable, reducing re-offending and, in turn, strengthening the safety of communities" (Matthews 2006 p.1).

What this means for home detention is that rather than being another way to serve a term of imprisonment it will be a stand alone sentence in its own right. Home Detention will be second only to imprisonment. Matthews states that "New Zealand's increasing rate of imprisonment is not sustainable, either financially or socially" and the revised version of home detention aims to "reduce prison populations and [will] prove more effective reducing re-offending" (Department of Corrections 2006a p. 1). This is based on statistics that claim home detention has achieved low rates of re-imprisonment and re-conviction, high compliance with a saving of approximately 40% less cost than incarcerating medium security prisoners. It is estimated that a 310 prison bed saving will also be achieved (Department of Corrections 2006a p.2).

This sentence will be available for "lower risk" and "not an option for the most serious or violent offenders". It will replace the existing front-end and pre-parole options currently available and have a 12 month maximum term (Department of Corrections 2006a p.1).

### ***Verification technology (VVT) and Satellite tracking through the global positioning system (GPS)***

With regard to improving electronic monitoring services, in March 2006 the report for phase one of the Electronic Monitoring Pilot (EMP) Project had been completed. This was a project started in March 2005, testing Voice Verification technology (VVT) and Satellite tracking through the global positioning system (GPS). As this thesis was being published trials were continuing. However, a brief outline of the phase one results indicates that improvements in the electronic monitoring component of home detention are continuously being sought (Department of Corrections 2006b).

VVT is a biometric application that records and stores the offender's voice or voice print, with the voice print being stored on an electronic template which verifies the identity of the voiceprint. This system can verify that an outward call or inward call have originated from or gone to a specified number. However, difficulties are encountered if caller id is blocked or if call forwarding has been put in place. The recommendations at this stage in the trials are that VTT is not used as a stand alone monitoring system, but in conjunction with existing systems. However, VTT is thought to be a possible alternative to manual monitoring by a security guard, where the detainee must be at an approved site that has a telephone land line. This would be in cases where a detainee has had to move from an approved residence due to an emergency, or when a delay in equipment availability occurs (Department of Corrections 2006b).

GPS utilises the numerous satellites that orbit the earth. The offender must carry a ground receiver or GPS locating unit, with the signal from this unit detected by a minimum of three satellites for the detainee's geographical location to be pin-pointed. The GPS locating unit will communicate with the detainee's anklet therefore verifying that it is the detainee that is in possession of the locating unit. This system has the ability to verify that a detainee is within a specified zone or alternatively has not entered a specified zone. Within New Zealand a passive or retrospective trial was used, which means that the information received was for the previous 24 hour period. The results from this trial indicated that information received was detailed and signal failure rare (Department of Corrections 2006b).

The GPS trail appeared to have considerable benefits over the VTT trail in that the tracking ability was enhanced as it did not require a phone line and could accommodate access to areas that existing manual monitoring could not. For instance, if the detainee was employed in a geographically remote area. This method also has significant advantages over existing methods for excluding a detainee from areas such as schools grounds, as would be the case for sex offenders, or excluding perpetrators of violence from the vicinity of victims (Department of Corrections 2006b).

***Connection to the results of this thesis***

The HDPOs in this thesis have identified a number of issues, such as training and areas within the current manual that required defining. Given this, and the HDPOs' willingness to participate and disseminate their experiences, the Probation Service would be enhancing any further developments by engaging these employees in the consultation process. The participants have voiced that their knowledge has not been utilised fully to improve service delivery or practice. This is the perfect opportunity for the Probation Service to do so.

## HOME DETENTION

The perspectives of Probation Officers

### PARTICIPATION CONSENT FORM

This consent form will be held for a period of five (5) years

**I have read the Information Sheet and have had the details of the study explained to me. My questions have been answered to my satisfaction, and I understand that I may ask further questions at any time.**

By signing this consent form I acknowledge that I have been fully informed

- of my rights with regard to this research
- the purpose of the research
- how any information that I provide will be stored
- how any information that I provide will be used

I agree to my interview being audio taped (please circle one)    yes  
no

I agree to participate in this study under the conditions set out in the Information Sheet

SIGNATURE \_\_\_\_\_ Date \_\_\_\_\_

Full Name – printed \_\_\_\_\_

School of Sociology, Social Policy  
 and Social Work  
 Private Bag 11 222,  
 Palmerston North,  
 New Zealand  
 Telephone: 64 6 350 5799 extn 2821  
 or extn 7877  
 Facsimile: 646 350 5681  
 Email: SPSWPN\_Reception  
 @massey.ac.nz  
[http://www.massey.ac.nz/  
 ~wwspsw](http://www.massey.ac.nz/~wwspsw)

## INFORMATION SHEET FOR HOME DETENTION OFFICERS PARTICIPATING IN RESEARCH THESIS

### Home Detention: the perspective of Probation officers

Kia Ora my name is Avril Ward. I am a student currently undertaking a Masters of Philosophy (Social Policy) at Massey University. My supervisors are Dr Martin Sullivan and Mr Kieran O'Donoghue. I am also employed as a Probation Officer with the Palmerston North Service Centre.

You are being contacted because you are a Probation Officer or have been a Probation Officer who has administered a sentence of Home Detention in a Probation region within New Zealand.

Your name was selected from staff details contained on the Department of Corrections Intranet. This information was accessed by an Administration Officer at the Palmerston North Service Centre. This process was approved by the Department Of Corrections. I will not know who you are unless you agree to participate in this research.

### AIM OF THE RESEARCH

The aim of this research is gain your perspective of Home Detention and how the objectives stated in the Home Detention Manual impact/impacted and what 'fit' they had into your everyday practice? – given they are formulated from legislation and policy. What role do/did they play in guiding your practice?

### CONFIDENTIALITY

At all times your identity will be protected.

All results will be reported as being representative of experiences of Home Detention Probation Officers in a Probation region and not by Service Centre or individual Probation Officer.

My supervisors Dr Martin Sullivan, and Mr Kieran O'Donoghue, and myself are the three main people who will come into contact with the unpublished data. Should you agree to the interview being audio taped an experienced transcriber will be contracted (with confidentially contract signed) to transcribe this information. As this is a research project that is conducted within the Department Of Corrections they will be offered a copy of the final results. This will not identify participants by name or specific areas in which you practise/practiced.

If at any time anybody else is to become involved in this data before publication they will be required to sign a confidentiality contract to ensure that your confidentiality is preserved.

At all times during this research you are free to ask about the progress of the research and to ask any questions you wish. The purpose of this research is to examine Home Detention from your perspective. Therefore the validity of this research requires that you can identify your experience within it.

At all times any material (interview response sheet, notes of any kind) that have identifying features will be kept in a locked box in my home and destroyed after my supervisors have accepted the final document.

Consent forms and transcriptions will be kept for a period of five years after the publication of the final document, and then destroyed.

### **WHAT WILL YOU BE ASKED TO DO?**

I would like you to participate in an unstructured interview. With your permission this interview will be audio taped. Once the interview has been transcribed the transcription will be returned to you so that you can read what you have said. If for any reason you decide that some or the entire interview should not be used, this will be respected with no explanation required. Information that you decide, you do not wish to be included will be destroyed immediately and not included in the final document.

The anticipated time for the unstructured interview is approximately an hour and a half. This is an estimate and can be adjusted to suit your individual schedule.

### **YOUR RIGHTS SHOULD YOU WISH TO PARTICIPATE**

You are under no obligation to accept this invitation. If you decide to participate, you have the right to:

- Decline to answer any particular question
- Withdraw from the study at any time

- Decline to be audio taped
- Request the audio tape be turned off at any time
- Ask any question about the study at any time during participation
- Provide information on the understanding that your name will not be used
- Provide information on the understanding that you will not be personally identified in any way
- Be given a copy of the final document

If you have any questions, or if you have any problems that arise due to this research please don't hesitate to contact me (Avril Ward) on (06) 3509626 DDI 36626 or [avril.ward@corrections.govt.nz](mailto:avril.ward@corrections.govt.nz) or [Ward.Partnership@xtra.co.nz](mailto:Ward.Partnership@xtra.co.nz) at any time.

Should you wish to contact my supervisors, they can be contacted by telephone or e-mail in the following ways

- Dr Martin Sullivan                      [M.J.Sullivan@massey.ac.nz](mailto:M.J.Sullivan@massey.ac.nz)  
06 350 5799 ex 2833
- Mr Kieran O'Donoghue                [K.B.O'Donoghue@massey.ac.nz](mailto:K.B.O'Donoghue@massey.ac.nz)  
06 350 5799 ex 2818

This project has been reviewed and approved by the Massey University Human Ethics Committee, Palmerston North Application 04/117. If you have any concerns about the conduct of this research, please contact Dr John G O'Neill, Chair, Massey University Campus Human Ethics Committee: PN, telephone 06 350 5799 x 8635, or email [humanethicpn@massey.ac.nz](mailto:humanethicpn@massey.ac.nz)

**THANK YOU FOR YOUR TIME AND CONSIDERATION OF THIS RESEARCH**

**IF YOU DECIDE NOT TO PARTICIPATE IN THIS RESEARCH YOUR  
DECISION WILL BE RESPECTED**

**APPENDIX THREE: Semi-structured interview guide****SEMI-STRUCTURED INTERVIEW GUIDE**

Home Detention: the perspectives of Probation Officers

**BACKGROUND INFORMATION**

Cultural identity

Gender

Brief work history

Professional education and training

Specific training for Home Detention

Do you think that you require further training in any particular area?

**PROBATION OFFICERS PHILOSOPHY WITH REGARD TO HOME DETENTION**

How did you become a home detention probation officer?

What do you value about being a home detention probation officer?

What stands out for you in this role?

What do you see the purpose of home detention as being?

What guides your practice the most? The Act? The manual? Your personal philosophy?

How well do you feel the Act/Manual fits into the practical everyday administration of home detention?

**PROBATION OFFICERS EXPERIENCE OF HOME DETENTION**

How many cases do you have at this moment? What's the average number?

What do you enjoy most in your role of home detention?

What do you enjoy least about this role?

What type of relationship do you foster with your detainees?

Can you tell me about any violations or rule breaking that you have had to deal with? What are the most common types of violations or rule breaking that you encounter?

Do you encounter any difficulties or anomalies with regard to violations? Anything left-field?

Tell me about an experience that you have had that particularly stands out for?

## PROBATION OFFICERS ASPIRATIONS OF HOME DETENTION

What were your impressions of home detention before you became involved in administering the sentence?

Have these impressions changed?

What future do you see for home detention/where do you see the sentence in 10 years time?

*An objective of Home Detention is to "ensure that criminogenic needs are met by constructive use of programs" (Community Probation Service Operations Manual, Volume four, page 2-1).*

## SUPERVISION/PROGRAMMES

With regard to supervision and programs, where do you see this fits with the home detention sentence?

What effect do you think the supervision component of home detention has on detainees?

What effect do you think the programmes component of home detention has on detainees?

With regard to programmes for detainees, what stands out for you?

*An objective of Home Detention is to "ease the transition of inmates back into the community through a staged process of release, by providing support and control structures", secondly to "minimize length of incarceration for those eligible for Home Detention" (Community Probation Service Operations Manual, Volume four, page 2-1).*

## PROBATION OFFICER MONITORING

Given the detainee is already electronically monitored, how do you view the monitoring phases you are required to administer? How are you able to best administer these?

## ELECTRONIC MONITORING

With regard to the electronic monitoring of detainees, what stands out for you?

Do you think the electronic monitoring process is effective?

Do you feel the electronic monitoring equipment is effective?

What sort of relationship do you have with the monitoring service?

What effect do you think electronic monitoring has on detainees? Their support people? Co-habitants?

## **CLOSING REFLECTIONS**

We have now been talking for around one and a half hours. What are your reflections on what we have been discussing?

Do you have any further comments that you wish to make?



**Massey University**  
Te Kunenga ki Pūrehuroa

Application No: \_\_\_\_\_ / \_\_\_\_\_  
This number is assigned when your application is accepted.  
Quote on all documentation to participants and the Committee.

## Human Ethics Committee

### APPLICATION FOR APPROVAL OF PROPOSED RESEARCH/TEACHING/EVALUATION INVOLVING HUMAN PARTICIPANTS

(All applications are to be typed and presented using language that is free from jargon and comprehensible to lay people)

#### SECTION A

1. Project Title Theory Versus Practice In Home Detention  
August 2004 Projected start date Projected end date November 2005

2. Applicant Details (Select the appropriate box and complete details)

#### ACADEMIC STAFF APPLICATION

Full Name of Staff Applicant/s \_\_\_\_\_  
School/Department/Institute \_\_\_\_\_  
Region (mark one only) Albany  Palmerston North  Wellington   
Telephone \_\_\_\_\_ Email Address \_\_\_\_\_

#### STUDENT APPLICATION

Full Name of Student Applicant Avril Eileen Ward  
Employer (if applicable) Department Of Corrections  
Telephone (06) 350 9600 Email Address avril.ward@corrections.govt.nz  
Ward.Partnership@xtra.co.nz  
Postal Address 76 West Street Feilding  
Full Name of Supervisor(s) Martin Sullivan and Martin Tolich  
School/Department/Institute Department of Sociology, Social Policy and Social Work. Massey University  
Region (mark one only) Albany  Palmerston North  Wellington   
Telephone \_\_\_\_\_ Email Address \_\_\_\_\_

#### GENERAL STAFF APPLICATION

Full Name of Applicant \_\_\_\_\_  
Section \_\_\_\_\_  
Region (mark one only) Albany  Palmerston North  Wellington   
Telephone \_\_\_\_\_ Email Address \_\_\_\_\_  
Full Name of Line Manager \_\_\_\_\_  
Section \_\_\_\_\_

Telephone \_\_\_\_\_

Email Address \_\_\_\_\_

## 3. Type of Project (mark one only)

Staff Research 

Student Research:

PhD Research Master's Research Honours Research Undergraduate Research 

(individual project)

Evaluation Programme Undergraduate Teaching Programme Other 

If Other, specify: \_\_\_\_\_

## 4. Summary of Project

Please outline in no more than 200 words in lay language why you have chosen this project, what you intend to do and the methods you will use.

(Note: all the information provided in the application is potentially available if a request is made under the Official Information Act. In the event that a request is made, the University, in the first instance, would endeavour to satisfy that request by providing this summary. Please ensure that the language used is comprehensible to all)

I have chosen this project as it's importance lays in the evidence that as prison populations continue to rise, Home Detention is regularly considered as a viable positive alternative for rehabilitation and reintegration of offenders, while attracting negative controversy as it is seen as a 'soft' option. This project is based on the experiences of Home Detention Probation Officers managing offenders within this sentence and aims to test the research results of Gibbs and King (2002) *Alternatives to Custody in the New Zealand Criminal Justice System: Current Features and Future Prospects*. While Home Detention was originally designed for low risk offenders, since the Gibbs and King study there is an increasing perception that high risk offenders can equally qualify with low risk offenders. Almost weekly, high profile media cases are reporting in which Leave To Apply For Home Detention has been granted for those convicted of violent offending. However this is not the purpose of the study. Rather I intend to conduct conversational type semi-structured interviews with fifteen Probation Officers currently administering the sentence of Home Detention. This will be around topics of offenders motivation towards rehabilitation and reintegration, impact on families, issues around equipment, violations and Parole Board recommendations.

## 5. List of Attachments (tick boxes)

Completed "Screening Questionnaire to Determine the Approval Procedure" (compulsory) Information Sheet/s (indicate how many) Translated copies of Information Sheet/s Consent Form/s (indicate how many) Translated copies of Consent Form/s Transcriber Confidentiality Agreement Confidentiality Agreement (for persons other than the researcher / participants who have access to project data) Authority for Release of Tape Transcripts Advertisement Health Checklist Questionnaire Interview Schedule Evidence of Consultation Letter requesting access to an institution Letter requesting approval for use of database

Applications that are incomplete or lacking the appropriate signatures will be returned to the applicant for completion. This could mean delays for the project.

Please refer to the Human Ethics website (<http://humanethics.massey.ac.nz>) for details of where to submit your application and the number of copies required.

## SECTION B: PROJECT INFORMATION

### General

6 I/we wish the protocol to be heard in a closed meeting (Part II). Yes  No    
*(If yes, state the reason in a covering letter)*

7 Does this project have any links to other approved Massey University Human Ethics Committee application/s? Yes  No

If yes, list HEC protocol number/s and relationship/s.

8 Is approval from other Ethics Committees being sought for the project? Yes  No    
 If yes, list the other Ethics Committees.

9 For staff research, is the applicant the only researcher? Yes  No    
 If no, list the names and addresses of all members of the research team.

### Project Details

10 State concisely the aims of the project.

The sentence of Home Detention has been running within New Zealand by the Department of Corrections as a fully fledged sentence since 1999. To date one study has been completed, that of Gibbs and King. Gibbs and King evaluated the 18 month period from 1999 to 2001. Gibbs and King found that Parole Boards were cautious on who was granted Home Detention, offenders where required to demonstrate a high level of motivation to comply to rehabilitative and reintergrative programs, have no un-addressed alcohol and drug issues and generally families found Home Detention a positive experience. My intention is to examine if the Gibbs and King findings still hold given the perception that more violent offenders are being granted Home Detention. This will be achieved by comparing my findings with those of Gibbs and King.

- 11 Give a brief background to the project to place it in perspective and to allow the project's significance to be assessed. (No more than 200 words in lay language)**

Home Detention for low risk offenders in New Zealand is a relatively new sentence and one which has attracted much public debate over its ability to act as a punishment. A perception exists that it is a 'soft' option compared to Imprisonment. Since its introduction one study (Gibbs and King 2002) has been conducted. Since this study a perception that home detention has become more readily available to offenders convicted of serious violence. My aim is to compare if the findings (see s10) of Gibbs and King still hold given this perception. Topics will include if offenders are still required to, or do display motivation towards addressing issues that are seen to contribute to their offending, the impact of monitoring equipment, impact on families and Parole Board recommendations.

- 12 Outline the research procedures to be used, including approach/procedures for collecting data. Use a flow chart if necessary.**

I will conduct semi-structured, conversational interviews to compare my participants experiences with the findings of Gibbs and King.

- 13 Where will the project be conducted? Include information about the physical location/setting. If the study is based overseas, specify which countries are involved.**

This study will be conducted with the participation of Home Detention Probation Officers currently administering the sentence of Home Detention in the Lower North Island. I will be interviewing them in a physical space that is mutually agreeable to both parties.

- 14 What experience does the researcher/s have in this type of project activity?**

I have previously conducted a research project on that evaluated the Manawatu Women's Learning Group. The Manawatu Women's Learning Group was an educational program for survivors of Domestic Abuse.

The research was conducted using questionnaire and transcription.

## Participants

- 15 Describe the intended participants.**

The participants will be randomly selected from a possible pool of 19 Home Detention Probation Officers currently practicing in the Lower North Island of New Zealand. However 15 will be included in this project.

- 16 How many participants will be involved?**

Fifteen participants.

**What is the reason for selecting this number?**

*(Where relevant, attach a copy of the Statistical Justification to the application form)*

Fifteen participants was chosen as it was considered to be an appropriate number of participants to include in a masters thesis.

## 17 Describe how potential participants will be identified and recruited?

I have enlisted the help of an administrator at the Palmerston North Office of Probation. She will send invitations to all Probation Officers in the Lower North Island that are currently practicing in Home Detention. This sheet will contain my contact details. The first fifteen that reply will be included in my study. I will obtain approval from the Department of Corrections with regard to access to the internal database and for contact with the participants.

18 Does the project involve recruitment through advertising? Yes  No

(If yes, attach a copy of the advertisement to the application form)

19 Does the project require permission of an organisation (e.g. a school or a business) to access participants or information? Yes  No

(If yes, attach a copy of the request letter/s, e.g. letter to Board of Trustees/Principal, CEO etc to the application form. Note that some educational institutions may require the researcher to submit a Police Security Clearance)

Home Detention is currently under review as per my covering letter, I have been advised that if I were to submit a request to the Department of Corrections at this point, my request would be less likely to succeed than should I apply at a more neutral time.

## 20 Who will make the initial approach to potential participants?

An Administrator currently employed within the Department of Corrections.

## 21 Describe criteria (if used) to select participants from the pool of potential participants.

The first fifteen Probation Officers that reply will be included in this study.

## 22 How much time will participants have to give to the project?

Approximately one to three hours.

## Data Collection

23 Does the project include the use of participant questionnaire/s? Yes  No

(If yes, attach a copy of the Questionnaire/s to the application form)

If yes: i) will the participants be anonymous? Yes  No

ii) describe how the questionnaire will be distributed and collected.

(If distributing electronically through Massey IT, attach a copy of the request letter to the Director, Information Technology Services to the application form)

I will distribute the interview sheet to those that agree to participate and arrange an appropriate and convenient interview time. Those that only wish to offer some written comment to the questions will also be included in the study. These can be posted to me.

24 Does the project include the use of focus group/s? Yes  No

(If yes, attach a copy of the Confidentiality Agreement for the focus group to the application form)

25 Does the project include the use of participant interview/s? Yes  No

(If yes, attach a copy of the Interview Questions/Schedule to the application form)

26 Does the project involve audiotaping? Yes  No

27 Does the project involve videotaping?

Yes  No

*(If agreement for taping is optional for participation, ensure there is explicit consent on the Consent Form)*

**If yes, state what will happen to the tapes at the completion of the project.**

*(e.g. destroyed, returned, stored by the researcher, archived in an official archive)*

---

- 28 If audiotaping is used, will the tape be transcribed? Yes  No

If yes, state who will do the transcribing.

*(If not the researcher, a Transcriber's Confidentiality Agreement is required – attach a copy to the application form. Normally, transcripts of interviews should be provided to participants for editing, therefore an Authority For Use Of Participants' Tape is required – attach a copy to the application form. However, if the researcher considers that the right of the participant to edit is inappropriate, a justification should be provided below)*

The tapes will be transcribed by a person employed to do so. The transcriptions will be offered to the participant for editing. The tapes will be destroyed after transcription. The transcripts will be destroyed after five years.

- 29 Does the project require permission to access databases? Yes  No

*(If yes, attach a copy of the request letter/s to the application form)*

Yes. Please refer to s19.

- 30 Who will carry out the data collection?

I will.

### SECTION C: BENEFITS / RISK OF HARM TO PARTICIPANTS

- 31 What are the possible benefits (if any) of the project to the participants?

They will be able to compare their experiences with the findings of the Gibbs and King study. They will be able to compare if their experiences are common with other Probation Officers from their area.

- 32 What discomfort (physical, psychological, social), incapacity or other risk of harm are participants likely to experience as a result of participation?

*(Consider the risk of harm to individuals and also to groups/communities and institutions to which they belong)*

The participants are professionals who deal with difficult situations on a daily basis. They are educated, streetwise and resilient. I do not believe they will be under any harm whilst participating in this project.

- 33 Describe the strategies the researcher will use to deal with any of the situations identified in Q32.

Potential harm to participants is managed by informed consent. Probation Officers have the right to not participate.

Results will be reported as generalised statements to the Lower North Island region.

No statement will be attributed to a specific geographical area or to an individual.

- 34 What is the risk of harm (if any) of the project to:

i) Researcher/s

None

ii) Any other persons/groups/organisations affected by the research.

No

- 35 How do you propose to manage the risk of harm for points i) and ii) above?

I will work in an ethical and professional manner at all times. The participants have the right to withdraw at any time.

- 36 Is ethnicity data being collected as part of the project? Yes  No
- (Note that harm can be done through an analysis based on insufficient numbers)*
- If yes: i) will the data be used as a basis for analysis? Yes  No
- ii) justify this use in terms of the number of participants.

Ethnicity is not a major factor in this study.

Ethnicity data will be collected as to identify and report the make up of the participant group.

Ethnicity may also provide some interesting results that can be considered for future projects.

- 37 If participants are children/students in a pre-school/school/tertiary setting, describe the arrangements you will make for children/students who are not taking part in the research.
- (Note that no child/student should be disadvantaged through the research)*

#### SECTION D: INFORMED AND VOLUNTARY CONSENT

- 38 By whom and how, will information about the research be given to participants?
- Participants will be contacted by an Administrator from the Palmerston North Probation Office. She will send an information sheet to all Probation Officers currently practicing Home Detention in the Lower North Island. This sheet will contain details on how they can contact me should they wish to participate. The first fifteen to reply will be included in this study.

- 39 Will consent to participate be given in writing? Yes  No
- (Attach copies of Consent Form/s to the application form)*

If no, justify the use of oral consent.

- 40 Will participants include persons under the age of 16? Yes  No

If yes, indicate the age group and competency for giving consent.

*(Note that parental/caregiver consent for school-based research may be required by the school even when children are competent. Ensure Information Sheets and Consent Forms are in a style and language appropriate for the age group)*

- 41 Will participants include persons who are vulnerable or whose capacity to give informed consent may be compromised? Yes  No

If yes, describe the consent process you will use.

- 42 Will the participants be proficient in English? Yes  No

If no, all documentation for participants (Information Sheets/Consent Forms/Questionnaire etc) must be translated into the participants' first-language

*(Attach copies of the translated Information Sheet/Consent Form etc to the application form)*

## SECTION E: PRIVACY/CONFIDENTIALITY ISSUES

- 43 Will information about participants be obtained from third parties? Yes  No

If yes, describe how and from whom.

Participants will be contacted by an Administration Officer from staff contact lists.

- 44 Will any identifiable information on the participants be given to third parties? Yes  No

If yes, describe how.

- 45 Will the participants be anonymous (i.e. their identity unknown to the researcher?) Yes  No

If no: i) will the participants be given a unique identifier? Yes  No

ii) will the participants' identity be disclosed in publication of the research? Yes  No

- 46 Will an institution (e.g. school) to which participants belong be named or be able to be identified? Yes  No

*(Ensure that institutions have been informed of this in your request to access them)*

Yes. I will provide a letter of approval from the Department of Corrections (see s19).

- 47 Outline how and where the data (including tapes/transcripts) and Consent Forms will be stored. *(Note that Consent Forms should be stored separately from data)*

I will store these in a lock box in my home.

- 48 i) Who will have access to the data/Consent Forms?  
Myself, the transcriber and my supervisors, Dr Martin Sullivan and Dr Martin Tolich

ii) How will the data/Consent Forms be protected from unauthorised access?  
I will keep them in a locked box in my home. I will not allow them to be seen by unauthorised persons.

- 49 Who will be responsible for disposal of the data/Consent Forms when the five-year storage period is up?  
*(The Massey University HOD Institute/School/Section / Supervisor / or nominee should be responsible for the eventual disposal of data)*  
I will be.

- 50 Will participants be given the option of having the data (particularly tapes) transferred to an official archive? *(This option may apply when data collected is of historical significance)* Yes  No   
*(If yes, include this option in the Consent Form)*

- 51 Will participants be given the option of having their tapes returned to them? *(If yes, include this option in the Consent Form)* Yes  No

### SECTION F: DECEPTION

- 52 Is deception involved at any stage of the project? Yes  No   
If yes, justify its use and describe the debriefing procedures.

### SECTION G: CONFLICT OF INTEREST

- 53 Is the project to be funded in any way from sources external to Massey University? Yes  No

If yes: i) state the source.

ii) does the source of the funding present any conflict of interest with regard to the research topic?

- 54 Does the researcher/s have a financial interest in the outcome of the project? Yes  No

If yes, explain how the conflict of interest situation will be dealt with.

- 55 Is there any professional or other relationship (e.g. employer/employee, lecturer/student, practitioner/patient, researcher/family member) to the researcher? Yes  No

If yes, describe the relationship and indicate how the resulting conflict of interest situation will be dealt with.

The participants are my colleagues. Initial contact will be made by an Administrator, therefore no coercion will exist.

Conflict of interest will be managed by informed consent. No information gained from this study will be identified to its provider at any time.

### SECTION H: COMPENSATION TO PARTICIPANTS

- 56 Will any payments or other compensation be given to participants? Yes  No

If yes, describe what, how and why.

*(Note that compensation (if provided) should be given to all participants and not constitute an inducement. Details of any compensation provided must be included in the Information Sheet)*

### SECTION I: TREATY OF WAITANGI

- 57 Does the proposed research impact on Maori persons as Maori? Yes  No

If yes describe how.

Maori are disproportionately represented within the prison populations. This project may highlight areas that require to be addressed for Maori.

- 58 Are Maori the primary focus of the project? Yes  No

*(If yes, complete Section I, otherwise proceed to Question 63)*

- 59 Is the researcher competent in te reo Maori and tikanga Maori? Yes  No

If no, outline the processes in place for the provision of cultural advice.

I have sought consultation from Whakaoho te Mauri (letter attached). They have agreed to ask as advisors and consultants for this project.

- 60 Identify the group/s with whom consultation has taken place or is planned and describe the consultation process.

*(Where consultation has already taken place, attach a copy of the supporting documentation to the application form, e.g. a letter from an iwi authority)*

I have sought consultation from Whakaoho te Mauri. They have agreed to ask as advisors and consultants for this project.

- 61 Describe any ongoing involvement of the group/s consulted in the project.

I am a Probation Officer and some of my clients attend programs run by Whakaoho te Mauri.

- 62 Describe how information resulting from the project will be shared with the group/s consulted?

I will prepare an executive summary and this will be available to them..

- 63 If Maori are not the focus of the project, outline what Maori involvement there may be and how this will be managed.

Some Probation Officers may be Maori. This information will be used to report the demographic composition of the participant group.

Some of the results from the evaluation may identify issues that are specifically related to Maori. These will be reported as areas for future research.

Consultation will take place on any Maori issue that occurs.

## SECTION J: OTHER CULTURAL ISSUES

- 64 Are there any aspects of the project that might raise specific cultural issues, other than those covered in Section I? Yes  No

If yes, explain. Otherwise, proceed to Section K.

Not that I can foresee. However as previously noted I will seek consultation should anything occur.

- 65 What ethnic or social group/s (other than Maori) does the project involve?

I will not know this until the participant group identify themselves.

- 66 Does the researcher speak the language of the target population? Yes  No

If no, specify how communication with participants will be managed.

- 67 **Describe the cultural competence of the researcher for carrying out the project.**  
*(Note that where the researcher is not a member of the cultural group being researched, a cultural advisor may be necessary)*  
 I have sought consultation for any issues relating to Maori.  
 I will seek consultation for any issues relating to other ethnicities as these issues arise.
- 
- 68 **Identify the group/s with whom consultation has taken place or is planned.**  
*(Where consultation has already taken place, attach a copy of the supporting documentation to the application form)*  
 I have sought consultation from Whakaoho te Mauri. They have agreed to ask as advisors and consultants for this project.
- 
- 69 **Describe any ongoing involvement of the group/s consulted in the project.**  
 I am a Probation Officer and some of my clients attend programs run by Whakaoho te Mauri.
- 
- 70 **Describe how information resulting from the project will be shared with the group/s consulted.**  
 I will prepare an executive summary of the final document and this will be available to them.
- 
- 71 **If the research is to be conducted overseas, describe the arrangements you will make for local participants to express concerns regarding the research.**
- 

#### SECTION K: SHARING RESEARCH FINDINGS

- 72 **Describe how information resulting from the project will be shared with participants.**  
 I will prepare an executive summary of the final document and this will be available to them.
- 

#### SECTION L: INVASIVE PROCEDURES/PHYSIOLOGICAL TESTS

- 73 **Does the project involve the collection of tissues, blood, other body fluids or physiological tests?** Yes  No
- (If yes, complete Section L, otherwise proceed to Section M)*
- 74 **Describe the material to be taken and the method used to obtain it. Include information about the training of those taking the samples and the safety of all persons involved. If blood is taken, specify the volume and number of collections.**
- 
- 75 **Will the material be stored?** Yes  No   
 If yes, describe how, where and for how long.
- 
- If no, describe how the material will be destroyed.**  
*(Note that the wishes of relevant cultural groups must be taken into account)*
- 
- 76 **Will material collected for another purpose (e.g. diagnostic use) be used?** Yes  No

If yes, did the donors give permission for use of their samples in this project? *(Attach evidence of this to the application form)*

Yes  No

If no, describe how consent will be obtained. Where the samples have been anonymised and consent cannot be obtained, provide justification for the use of these samples.

---

77 Will any samples be imported into New Zealand?

Yes  No

If yes, provide evidence of permission of the donors for their material to be used in this research.

---

78 Will any samples go out of New Zealand?

Yes  No

If yes, state where.

*(Note this information must be included in the Information Sheet)*

---

79 Describe any physiological tests/procedures that will be used.

---

80 Will participants be given a health-screening test prior to participation?

Yes  No

*(If yes, attach a copy of the health checklist)*

**SECTION M: DECLARATION** *(Complete appropriate box)***ACADEMIC STAFF RESEARCH****Declaration for Academic Staff Applicant**

I have read the Code of Ethical Conduct for Research, Teaching and Evaluations involving Human Participants. I understand my obligations and the rights of the participants. I agree to undertake the research as set out in the Code of Ethical Conduct for Research, Teaching and Evaluations involving Human Participants. My Head of Department/School/Institute knows that I am undertaking this research. The information contained in this application is to the very best of my knowledge accurate and not misleading.

Staff Applicant's Signature \_\_\_\_\_

Date: \_\_\_\_\_

**STUDENT RESEARCH****Declaration for Student Applicant**

I have read the Code of Ethical Conduct for Research, Teaching and Evaluations involving Human Participants and discussed the ethical analysis with my Supervisor. I understand my obligations and the rights of the participants. I agree to undertake the research as set out in the Code of Ethical Conduct for Research, Teaching and Evaluations involving Human Participants. The information contained in this application is to the very best of my knowledge accurate and not misleading.

Student Applicant's Signature \_\_\_\_\_

Date: \_\_\_\_\_

6/7/04

**Declaration for Supervisor**

I have assisted the student in the ethical analysis of this project. As supervisor of this research I will ensure that the research is carried out according to the Code of Ethical Conduct for Research, Teaching and Evaluations involving Human Participants.

Supervisor's Signature \_\_\_\_\_

Date: \_\_\_\_\_

6/7/04

Print Name \_\_\_\_\_

M. J. Scullivan

**GENERAL STAFF RESEARCH/EVALUATIONS****Declaration for General Staff Applicant**

I have read the Code of Ethical Conduct for Research, Teaching and Evaluations involving Human Participants and discussed the ethical analysis with my Line Manager. I understand my obligations and the rights of the participants. I agree to undertake the research as set out in the Code of Ethical Conduct for Research, Teaching and Evaluations involving Human Participants. The information contained in this application is to the very best of my knowledge accurate and not misleading.

General Staff Applicant's Signature \_\_\_\_\_

Date: \_\_\_\_\_

**Declaration for Line Manager**

I declare that to the best of my knowledge, this application complies with the Code of Ethical Conduct for Research, Teaching and Evaluations involving Human Participants and that I have approved its content and agreed that it can be submitted.

Line Manager's Signature \_\_\_\_\_

Date: \_\_\_\_\_

Print Name \_\_\_\_\_

**TEACHING PROGRAMME****Declaration for Paper Controller**

I have read the Code of Ethical Conduct for Research, Teaching and Evaluations involving Human Participants. I understand my obligations and the rights of the participants. I agree to undertake the teaching programme as set out in the Code of Ethical Conduct for Research, Teaching and Evaluations involving Human Participants. My Head of Department/School/Institute knows that I am undertaking this teaching programme. The information contained in this application is to the very best of my knowledge accurate and not misleading.

Paper Controller's Signature \_\_\_\_\_

Date: \_\_\_\_\_

**Declaration for Head of Department/School/Institute**

I declare that to the best of my knowledge, this application complies with the Code of Ethical Conduct for Research, Teaching and Evaluations involving Human Participants and that I have approved its content and agreed that it can be submitted.

Head of Dept/School/Inst Signature \_\_\_\_\_

Date: \_\_\_\_\_

Print Name \_\_\_\_\_

## BIBLIOGRAPHY

- Anstiss, B. (2003). Just How Effective is Correctional Treatment at Reducing Re-offending. *New Zealand Journal of Psychology*, Dec, 32 (2), 84-91.
- Ball, R.A., Huff, C.R., & Lilly, J.R. (1988). *House Arrest and Correctional Policy. Doing Time At Home*. London: Sage.
- Berg, B. (1989). *Qualitative Social Science Research Methodology*. Retrieved July 19, 2004 from <http://faculty.ncwc.edu/toconnor/308/308lect09.htm>.
- Black, M., & Smith, R.G. (2003). Electronic Monitoring in the Criminal Justice System. *Trends and Issues in Crime and Criminal Behaviour*. Retrieved July 19, 2004 from <http://www.aic.gov.au>.
- Bonta, J., Wallace-Capretta, S., Rooney, J. (1999). *The Electronic Monitoring of Offenders Research Summary*. Canada: Department of the Solicitor General.
- Bonta, J., Wallace-Capretta, S., Rooney, J. (2000). A Quasi-Experimental Evaluation of an Intensive Rehabilitation Supervision Program. *Criminal Justice and Behaviour*, 27, 312-329.
- Bozovic, M. (1995), *Jeremy Bentham: The Panoptican Writings*. London: Ver0.
- Bright, M. (2002). Surgical Tags Plan for Sex Offenders. *The Observer*. Sunday, November, 17 2002. Retrieved November 12, 2004 from <http://society.guardian.co.uk/children/story/0,1074,842393,00html>
- Burnett, R. (1987). *Penal Transportation: An Episode in New Zealand History*. Occasional Papers in Criminology No 9. Wellington: Victoria University.
- Burnett, R.I.M. (1995). *Hard Labour, Hard Fare and a Hard Bed: New Zealand's Own Search For Its Own Penal Philosophy*. Wellington: The National Archives of New Zealand.'
- Chappell Camille. *A Look at Qualitative Research*. Retrieved July 19, 2004 from [www.gsu.edu/~mstsw/courses/it7000/papers/alookat.htm](http://www.gsu.edu/~mstsw/courses/it7000/papers/alookat.htm)
- Church, A., & Dustan, S. (1997). *Home Detention: The Evaluation of the Home Detention Pilot Programme 1995 – 1997*. Wellington: Ministry of Justice.
- Courtright, K.E., Berg, B.L., & Mutchnick, R.J. (1997). The Cost Effectiveness of Using House Arrest with Electronic Monitoring For Drunk Drivers. *Federal Probation*, 61(3), 19.
- Courtright, K.E., Berg, B.L., & Mutchnick, R.J. (2000). Rehabilitation in the New Machine? Exploring Drug and Alcohol Use and Variables Related to Success Among DUI Offenders Under Electronic Monitoring – Some Preliminary Outcome Results. *International Journal of Offender Therapy and Comparative Criminology*, 44, 293-311.

Coyle, Andrew. (2002). An International Perspective of Imprisonment in the Early 21<sup>st</sup> Century: With just less than 5 percent of the world's total population, the United States has 23 percent of the world's inmates. (Commentary). (Editorial). *Corrections Today*, 64(1), 8-10.

Crawford, J.T.L. (2004). *Electronic Monitoring Services (EMS)/Tether and Alcohol Monitoring. Electronic Monitoring Co-ordinator*. Community Corrections Michigan Department of Corrections. Retrieved May 14, 2004 from [www.ewashtenaw.org/government/departments/community\\_corrections/co\\_ems.html/](http://www.ewashtenaw.org/government/departments/community_corrections/co_ems.html/)

Crowe, H. (2002). Electronic Supervision from Decision-Making to Implementation. *Corrections Today*, 64(5), 130-133.

Dale, M.P. (1997). *Case Management Intervention with Violent Offenders: An Action Research Approach to the Development of a Practice Model*. Masters of Social Work Thesis. Massey University: Palmerston North.

Department of Corrections. *Operations Manual Sentence Management Volume 2*. Wellington: Government Print Shop.

Department of Corrections. (2003). *Maori Strategic Plan*. Wellington: Department of Corrections.

Department of Corrections. *Framework for Reducing Maori Offending*. Wellington: Department of Corrections.

Department of Corrections (2001). *Census of Prison Inmates and Home Detention*. Wellington: Prison Print Shop.

Department of Corrections. (2002). *Community Probation Service Operations Manual. Home Detention Manual*. Volume 4, 31 May

Department of Corrections Fact Sheet. Retrieved November 12, 2004, from, [http://www.corrections.govt.nz/public/aboutus/factsheets/reducingreoffending/homedetention.html#\\_self](http://www.corrections.govt.nz/public/aboutus/factsheets/reducingreoffending/homedetention.html#_self)

Department of Corrections. (2005). *Prison Numbers Continue to Grow*. Wellington: Department of Corrections.

Department of Corrections. (2006a). *Effective Interventions Facts Sheet*, Retrieved August 21, 2006 from [www.justice.govt.nz/effective\\_interventions/](http://www.justice.govt.nz/effective_interventions/)

Department of Corrections. (2006b). *Electronic Monitoring Pilot Project a Community Probation Service Initiative. Report on Phase One of the Trial of: Voice Verification Technology and Satellite Tracking Using the Global Positioning System*. Wellington: Department of Corrections.

Department of Justice. (1954). *A Penal Policy for New Zealand*. Wellington: Mount Crawford Prison.

- Dinwiddy, J. (1989). *Bentham*. Oxford: Oxford University Press.
- Dodgson, K., Goodwin, P., Howard, P., Llewellyn-Thomas, S., Russell, N., & Weiner, M. (2001). Electronic Monitoring of Released Prisoners: An Evaluation of the Home Detention Curfew Scheme. *Home Office Research Study 222* UK: Home Office.
- Finn, M.A., & Muirhead-Steves, S. (2002). The Effectiveness of Electronic Monitoring with Violent Male Parolees. *Justice Quarterly*, 19(2), 293-312.
- Foucault, M. (1978). *Discipline and Punish: The Birth of the Prison*. New York: Vintage Books.
- Gainey, R.R., Payne, B.K., & O'Toole, M. (2000). The Relationship Between Time in Jail, Time on Electronic Monitoring, and Recidivism: An Event History Analysis of a Jail-based Program, *Justice Quarterly*, 17(4), 733-752.
- Gibbs, A., & King, D. (2001). *The Electronic Ball and Chain? The Operation and Impact of Home Detention with Electronic Monitoring in New Zealand*. University of Otago: Department of Community and Family Studies.
- Gibbs, A., & King, D. (2002). Alternatives to Custody in the New Zealand Criminal Justice System: Current Features and Future Prospects. *Social Policy Administration*, 36(4), 392-407.
- Gibbs, A., & King, A. (2003a). Is Home Detention in New Zealand Disadvantaging Women and Children? *Probation Journal: The Journal of Community and Criminal Justice*, 50 (2), 115-126.
- Gibbs, A., & King, A. (2003b). Home Detention with Electronic Monitoring: the New Zealand Experience. *Criminal Justice* 3, (2), 199-211.
- Gibbs, A. (2004). A Letter from New Zealand: Home Detention – Emerging Issues After the First Three Years. *Crime Prevention and Community Safety: An International Journal*, 6(3), 57-64
- Harding, S. (1987). Introduction: Is There a Feminist Method? In S Harding (Ed.), *Feminism and Methodology*. Indiana University Press: Indiana.
- Harding, S. (2004). Introduction: Standpoint Theory as a Site of Political, Philosophic, and Scientific Debate In S Harding (Ed.), *The Feminist Standpoint Theory Reader: Intellectual and Political Controversies*. New York: Routledge
- Hill, S. R. (1986). *Policing the Colonial Frontier: The Theory and Practice of Coercive Social and Racial Control in New Zealand: Part One*. Wellington: V. R. Ward, Government Printer
- Hobsbawm, E. J. (1962). *The Age of Revolution 1789 – 1848*. London: Cardinal.
- Hoshen, J. & Drake, G. (2001). *Offender Wide Areas Continuous Electronic Monitoring Systems, Executive summary*. Retrieved October 5, 2004 from [www.ncjrs.gov/pdffiles1/nij/grants/187101.pdf](http://www.ncjrs.gov/pdffiles1/nij/grants/187101.pdf)

- Lilly, J.R., & Ball, R.A. (1992). The Pride Inc., Program: An Evaluation of 5 Years of Electronic Monitoring. *Federal Probation*, 56, (4) 42.
- Mathews, B. (2006). Effective Interventions in the Criminal Justice Sector. Retrieved August 21, 2006 from [www.beehive.govt.nz](http://www.beehive.govt.nz).
- McBride, R., & Schostak, R. (1995). Qualitative Versus Quantitative Research. Retrieved July 7, 2004 from [www.uea.ac.uk/care/elu/Issues/Research/Reslch2.html](http://www.uea.ac.uk/care/elu/Issues/Research/Reslch2.html)
- Michigan Department of Corrections. (2001b). Electronic Monitoring of Offenders in the Community. Retrieved October 5, 2004 from [www.michigan.gov/corrections/1,1607,7-119-1435-5032--,00.html](http://www.michigan.gov/corrections/1,1607,7-119-1435-5032--,00.html)
- Ministry of Justice. (2001a). He Hinatore ki te Ao Maori – A Glimpse into the Maori World: Perspectives on Justice. Part 1 – Traditional Maori Concepts. Retrieved February 16, 2007 from [http://www.justice.govt.nz/pubs/reports/2001/maori\\_perspectives/part\\_1\\_utu.html](http://www.justice.govt.nz/pubs/reports/2001/maori_perspectives/part_1_utu.html)
- Ministry of Justice. (2001b). He Hinatore ki te Ao Maori – A Glimpse into the Maori World: Perspectives on Justice. Part 1 – Traditional Maori Concepts. Retrieved February 16, 2007 from [http://www.justice.govt.nz/pubs/reports/2001/maori\\_perspectives/part\\_1\\_muru.html](http://www.justice.govt.nz/pubs/reports/2001/maori_perspectives/part_1_muru.html)
- Morrison, Debra. (2002). *Home Sweet Home? Prison: What are the Impacts of Home Detention on the Family?* Research Report Masters of Social Work Applied, School of Sociology, Social Policy and Social Work. Palmerston North: Massey University Press.
- Newman, G. (1978). *The Punishment Response*. New York: J. B. Lippincott Company.
- Nordic Business Report. (27 July 2004). *Finland Considers House Arrest for Young Offenders*. Retrieved November 11, 2004 from <http://www.m2.com>.
- Olsen, H. Quantitative Versus Qualitative Research: The Wrong Question. Retrieved July 7, 2004 from [www.ualberta.ca/dept/slis/cais/olson.htm](http://www.ualberta.ca/dept/slis/cais/olson.htm).
- Patton, M. Q., (2002). *Qualitative Research and Evaluation Methods*. Sage: London.
- Quinn, J.F., & Holman, J.E. (1991). Intrafamilial Conflict Among Felons Under Community Supervision: An Examination of the Co-habitants of Electronic Monitored Offenders. *Journal of Offender Rehabilitation*, 16(3-4), 177-192.
- Raider, M.C. (1994). Juvenile Electronic Monitoring: A Community Based Program to Augment Residential Treatment. *Residential Treatment for Children and Youth*, 12(2), 37-38.
- Robinson, B. A. (2004). *Religious Society of Friends*. Retrieved May 29, 2003, from [www.religioustolerance.org/quaker.htm](http://www.religioustolerance.org/quaker.htm)
- Roberts, J. V. (2003). Sentencing Reform in New Zealand: An Analysis of the Sentencing Act 2002. *The Australian and New Zealand Journal Of Criminology*, 36(3), 249-271.

- Rondinelli, V. (1997). Tracking Humans: The Electronic Bracelet in a Modern World. *Criminal Lawyers Association Newsletter, August*. Retrieved August 9, 2004 from <http://www.criminallawyers.ca/newslett/aug97/rondinelli.htm>
- Rose, D. (2001). Revisiting Feminist Research Methodologies: A Working Paper. Retrieved August 9, 2004 from [www.swc-cfr.gc.ca/pubs/revisiting/revisiting\\_1\\_e.html](http://www.swc-cfr.gc.ca/pubs/revisiting/revisiting_1_e.html)
- Rossiter, C. I. (1989). *Intensive Probation Supervision*. Report to The Trustees Nuffield Foundation. London: United Kingdom.
- Schulze, S. *Views on the Combination of Quantitative and Qualitative Research Approaches*. Retrieved August 15, 2004 from [www.unisa.ac.za/contents/faculties/service\\_dept/bld/progressio/docs/schulze.pdf](http://www.unisa.ac.za/contents/faculties/service_dept/bld/progressio/docs/schulze.pdf)
- Smith, D., (2001) Electronic monitoring of offenders: The Scottish Experience. *Criminal Justice*, 1 (2): 201 – 214.
- Smith, D. E., (1997). Comment on Hekman's "Truth and Method: Feminist Standpoint Theory Revisited", *Signs* 22, (2), 392 - 7.
- Smith, D., E. (1987). Women's Perspectives as a Radical Critique of Sociology in S Harding (Ed.) *Feminism and Methodology*. Indiana: Indiana.
- Smith, D. (2004) Comment on Hekman's "Truth and Method: Feminist Standpoint Theory Revisited" In S Harding (Ed.) *The Feminist Standpoint Theory Reader: Intellectual and Political Controversies*. New York: Routledge.
- Spierenberg, Pieter. (1984). *The Spectacle Of Suffering: Executions and the Evolution of Repression: From a Pre-Industrial Metropolis to the European Experience*. Sage: Cambridge: Cambridge University Press.
- Swigonski, Mary. E. (1994). The Logic of Feminist Standpoint Theory for Social Work Research in *Social Work*, 39,(4), 387-393.
- Tolich, M., & Davidson, C. (1999). *Starting Fieldwork: An Introduction to Qualitative Research in New Zealand*. New Zealand: Oxford University Press.
- Vass, A.A. (1990). *Alternatives To Prison: Punishment, Custody and the Community*. London: Sage.
- Voas, R.B., & Fisher, D.A. (2001). Court Procedures for Handling Intoxicated Drivers. *Alcohol Research and Health*, 25(1), 32-42.
- White, S., (2001). Auto-Ethnography as Reflexive Inquiry: the Research Act as Self-Surveillance. In Ian Shaw and Nick Gould (Eds) *Qualitative Research in Social Work*. London: Sage.

Whitfield, D. (2001). *The Magic Bracelet*. Technology and Offender Supervision. Winchester: Waterside Press.

Will Electronic Monitoring Have a Future in Europe? (2002). Workshop, June 13 – 15, Freiburg, Germany.

Wilson, T.Y. (1970). *New Zealand Prisons 1880-1909: The Administration of Colonel Arthur Hume*. Master of Arts Thesis. Victoria University: Wellington.

[www.denvergov.org/ElectronicMonitoring/template2G4 B.asp](http://www.denvergov.org/ElectronicMonitoring/template2G4 B.asp)

Young League Player Granted Home Detention. (November 7, 2004) *New Zealand Herald*. Retrieved November 11, 2004, from <http://www.nzherald.co.nz/storydisplay.cfm?storyID=3607897&thesection=news&thesubsection=general>

Zavitz, J.V., (1995). The Dorland Room. Retrieved May 29, 2003, from <http://home.intrehop.net/aschrauwe/Archives.html>

### **Legislation**

Parole Act (2002). Wellington: New Zealand.

Sentencing Act (2002). Wellington. New Zealand.