

Submission
No 52

**INQUIRY INTO COMMUNITY BASED SENTENCING
OPTIONS FOR RURAL AND REMOTE AREAS AND
DISADVANTAGED POPULATIONS**

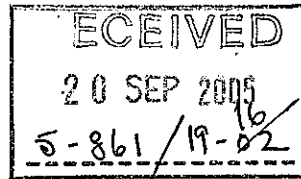
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**Government
of South Australia**

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Hon Christine Robertson MLC
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Inquiry into Community Based Sentencing Options for
Rural and Regional Areas and Disadvantaged Populations
Parliament House
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CHRISTINE

Dear Ms Robertson

Thank you for your letter of the 25 July 2005, requesting information about how community based sentencing options have been tailored to meet conditions in South Australia.

I understand that the Manager Executive Services of the Department for Correctional Services in South Australia has already spoken to the Director of your committee, at some length, regarding this matter. He discussed and explained the processes that surround the various methods of Home Detention used in South Australia, Community Service and the implications of both of these schemes for Aboriginal offenders.

I understand that the Committee would benefit from a short response explaining South Australia's position on:

- supervision of community service orders, particularly in rural and remote areas;
- home detention and how it relates to support programs, Indigenous people and the introduction of home detention to rural and remote areas; and
- a brief overview of the intensive bail supervision program.

As requested, I have attached a summary that addresses the matters that you have raised.

I trust this will assist the Committee with its deliberations.

Yours sincerely

Hon Terry Roberts MLC
Minister for Correctional Services

15/08/05

REPORT FROM SOUTH AUSTRALIA FOR THE INQUIRY INTO COMMUNITY BASED SENTENCING OPTIONS FOR RURAL AND REGIONAL AREAS AND DISADVANTAGED POPULATIONS

Supervision of community service orders, particularly in rural and remote areas

Community service is just one of the community based sanctions that is available to the courts. It has been developed as an alternative to prison to, among other things, compensate the community for the cost of an offender's behaviour and to make offenders better understand the effects of their wrongdoing. Community service is seen as a valuable restorative justice initiative that requires an offender to undertake any number of community service hours (up to a total of 320 hours in South Australia).

It is regarded as a cost effective alternative to prison.

The Correctional Services Act, 1982 broadly defines community service as work for non profit, voluntary, government or local government agencies. Until recently, community service orders were issued by the:

- judiciary where a prison sentence was not seen as appropriate;
- registrar of the court where an offender could produce evidence of hardship if a fine imposed by the court was paid;
- Parole Board as a condition when parole is breached;
- police, pursuant to the Shop Theft (Alternative Enforcement) Act, 2000; and
- cost recovery.

A cost recovery approach was adopted by the Department for Correctional Services in the early 1990's to reduce the cost of community service. Under this approach, unsatisfactory work is redone at the Department's expense. Prior to this initiative, much of the early community service was mundane and seen by offenders to have little value and, as a consequence, the standard of the work was poor. The introduction of cost recovery and the guarantee of the work undertaken has generally resulted in the attraction of more interesting work, much of it in environmental areas. This has resulted in meaningful and satisfying work for some offenders and, arguably an improvement, in the standard of work undertaken. This initiative also allows some offenders to obtain nationally recognised qualifications in painting and decorating and horticulture, which assists them in their search for employment.

The supervision of community service orders, particularly in remote and rural areas, is difficult due to distances to be travelled. This impacts on the ability of the Department to effectively supervise offenders.

In the remote far north and west coast of South Australia, Indigenous communities are generally hundreds of kilometres from community correctional centres. In the past, many Indigenous offenders in the remote far north have been unable to complete their orders for reasons that are not their fault. Although community service

in remote and rural areas has become very difficult, courts, with few alternatives available, continue to order this option.

In South Australia, two of the Department's community service officers now regularly travel to the remote far north areas and stay there for a week at a time. During their stay, the officers oversee the completion of large amounts of community service hours in local remote communities by teams of Indigenous offenders. Since the introduction of this initiative, the completion rate for community service orders has increased from 24% in 2003 to 61% in 2004. Due to the provision of the service, Magistrate's have increased the use of this sentencing option by 123% during the same period.

Home Detention

Home detention is a community based alternative to imprisonment.

In South Australia, home detention can either be:

- approved by the Chief Executive of the Department for Correctional Services as a post prison, graduated release option. Simply known as home detention; or
- ordered by the court as a bail or sentencing option. The two available court ordered options are intensive bail supervision and intensive probation supervision.

Home detention is an alternative to prison that:

- provides correctional authorities with a more secure, graduated, supervised release process;
- reduces the community cost of administering the prison system;
- assists in maintaining family units, reducing the risk of re-offending;
- provides the opportunity for offenders to be involved in rehabilitation programs in a community setting where the temptation to re-offend can be tested and addressed as part of the intervention; and
- is widely recognised by many correctional administrators as providing enhanced rehabilitation opportunities than in prison.

In South Australia, of those prisoners who are granted home detention, around 90% will successfully complete their order.

Under the present Correctional Services Act, prisoners may apply for home detention once they have completed half of their non parole period. There have been valid concerns raised about the supervision of home detainees who have received approvals for home detention in excess of twelve months. Generally it is necessary for staff to take a different attitude to breaches if these prisoners are to successfully complete their home detention. Significantly, the breach rate for offenders who receive periods of home detention exceeding ten months, is higher than for those who receive lesser periods.

Legislation has recently been approved by Parliament that will restrict home detention in South Australia, to the last twelve months of a prisoner's sentence and ensure that prisoners who have been sentenced to prison for less than twelve months serve half their sentence before becoming eligible for home detention.

The cost of maintaining a prisoner on home detention in South Australia has been calculated at around \$7,500 per annum.

Current policy dictates that prisoners sentenced for homicide or sex offences are not eligible for home detention.

There are other important advantages with the home detention program. Research shows that offence focussed programs are essential if a prisoner's rehabilitation opportunities are to be improved. They also imply that the closer the programs to an offenders home environment, the more likely those offenders would be able to apply what they have learned to their own lives.

Without supporting programs, home detention becomes purely a detention process unlikely to reduce offending behaviour.

Correctional policy in South Australia requires prisoners with six months or more home detention to have a structured day. They are required to undertake a program of work or education or undertake community programs, some of which are directed at addressing offending behaviour.

The home detention program in South Australia has been successfully extended to rural regions.

In South Australia, the court has the ability to issue home detention as part of its sentencing options. It is commonly referred to as intensive probation supervision. At present, this type of intensive supervision is limited to those who may be psychologically or physically unable to complete a prison sentence.

Intensive probation supervision has the potential to avoid the negative effects that even short periods of custody can cause including loss of employment, loss of benefits, loss of accommodation, relationship breakdowns, and the stigmatism of having served a sentence of imprisonment.

Intensive Bail Supervision (Bail with a home detention component)

The courts may order that offenders be placed on bail, with very strict supervision, including home curfew conditions, and other criteria as part of their bail conditions. This is locally referred to as intensive bail supervision.

Intensive bail supervision may be ordered by the court as an alternative to placement in prison on remand. The number of bailees ordered to undertake intensive bail supervision has increased significantly since its introduction.

Intensive supervision bailees are much more difficult to supervise than their counterparts on home detention. Thus the recommended staff ratio of 1.10-12 on intensive supervision bail, as against 1.18 for those on home detention.

If those on intensive bail supervision breach their orders, they will be returned to court. Some may then be subsequently returned to prison. The breach rate for this program is high. Bailees are generally at a very unstable point in their lives often with multiple unresolved issues and an uncertain future for them before the court. These issues contribute to the high breach rate of these offenders, generally in the vicinity of 30%.

It is estimated that 75% of the Department's existing electronic equipment is allocated to intensive bail supervision offender