

Submission No 9
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## INQUIRY INTO BACK END HOME DETENTION

**Organisation:**

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**Theme:** Submission to Back End Home Detention lodged by Katrina Froome

**Summary:** Introduction of back-end home detention as an extension of the current release schemes will assist in addressing overcrowding.

Current classification system used within Corrective Services does not correctly reflect the security risk of the inmate.

Security classification should not be purely based on length of sentence remaining.

Home-detention might help ease family problems arising out of long-term imprisonment.

Current work release programs, available to inmates once they've reached the "C3" classification are not located where most qualifying inmates are situated.

## STANDING COMMITTEE ON LAW & JUSTICE

### INQUIRY INTO BACK END HOME DETENTION

One of the fundamental problems within the New South Wales Corrective Services is over-crowding within the prison system. This is not a problem that they have any control over, yet must manage once the legal system determines that a person is to come under their control. The new prison at Kempsey is about to open and the planning process for the construction of a similar prison at Wellington is well under way.

This will alleviate the short term problems, but will not provide a long term solution.

There have been a number of Legislative changes over recent years, with a number also currently proposed, that effect the prison terms of offenders and the general population within the overall prison system, including:-

- Extension of minimum prison terms
- Restrictions on the granting of bail
- Restrictions on periodic detention
- Removal of "good behaviour" discounts

All of the above will require that more beds be made available within the prison system to accommodate offenders.

The Corrective Service system itself is still having problems addressing the issues of an increasing number of inmates on remand or requiring to be placed in protective custody, therefore reducing the facilities available to the main stream prison inmates.

Given all of the above, the introduction of back-end home detention as an extension of the current release schemes will assist in addressing the above problems.

Determining the ability of an inmate to qualify for home detention will be one of the areas that will need the greatest amount of consultative debate between all interested parties.

The current classification system used within the Corrective Services Department does not correctly reflect the security risk of the

inmate, which should be the prime objective of such a system. Whilst not completely aware of all of the processes, the system can be roughly broken down into three main classifications, being:

- "A" Maximum Security
- "B" Medium Security
- "C" Minimum Security

Inmates are classified by Corrective Services personnel into one of the above classifications upon sentencing, loosely based upon the type of crime and length of sentence. Subsequent advancement through the classification system is then predominately based upon the remaining time on the inmate's sentence.

Therefore, using the example, an offender convicted of serious physical assault for the second time, with a six month sentence, could receive a "C2" Minimum Security classification, whilst somebody convicted of "white collar" crime coming into the system for the first time, for a period of two years or more would receive a "B" Medium Security Classification. The psychological effects of this on the two people would be quite different.

So too would the chances of the inmate re-offending.

The *classification system* is important to the overall external leave programs and the current submission, as an inmate must work their way to the lowest possible Minimum Security classification to be eligible.

Obviously, the length of a prison sentence reflects the seriousness of the crime committed. Therefore, a fixed period of the sentence should be served under the full custodial conditions. However, an inmate's behaviour, risk of re-offending and overall risk to the community should be considered when evaluating, on an individual basis, what classification level they should be on and what privileges that they should be entitled to. It should not be purely based on length of sentence remaining.

In many cases it is the offender's family that suffers more as a result of the imprisonment, than the actual offender. Home detention would help the offender rejoin the community and ease family problems that arise due to long term imprisonments. Currently the impact on the family unit receives no consideration in the overall process.

A stable home environment should be one of the major criteria for eligibility for back-end home detention. This could be assessed

based upon the regularity of contact between the offender and their family unit, together with the existing security checks that are carried out for the purposes of existing external leave programs.

In assessing the contact of the offender with his family, the location of the gaol that they have been classified to, together with the offender's home address must be taken into account.

In many situations, offenders with school age children are restricted in their visits by outside factors such as a child's participation in weekend sport. The other family members have a greater imposition on their weekend time and general living arrangements and need to adjust to visiting their family members, which may as a necessity be less frequent than they would like.

Obviously the larger the immediate family, the greater the problem may be.

Under the current classification system, once an inmate has reached the "C3" classification they may become eligible for a number of outside programs such as work release, study release and weekend release.

One of the more important of these, is the work release program as it allows the inmate to work in an external environment in a position or occupation that they would expect to continue in upon release. In many cases it is an extension of the education programs that they have undertaken as an inmate.

The major restriction of this program is that the minimum security gaols where most of the inmates who would qualify for the program are situated, for example in the North West Region being Glen Innes and Muswellbrook, are located in relatively small communities with extremely limited outside work opportunities if any.

The statistics of the number of inmates classified as "C3" and on outside work release is obviously not available, however should be made available to the Committee. If possible this should be broken down into geographical location.

An extension to the Back End Home Detention program could be the requirement that participation in such a program, which would be in the town that the inmate will eventually be located is required. The likelihood of them then retaining the position after their eventual release would be high, therefore greatly assisting their re-assimilation back into society.