

Women and Home Detention – Home Is Where the Prison Is

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1. Introduction

The steady rise in the number and cost of people incarcerated in Australia has motivated states and territories to investigate new and cheaper alternatives to institutional prisons. Home detention (HD) is touted as one such alternative and since 1988 has been adopted in most jurisdictions, generally utilising electronic surveillance.

Home detention is lauded as an alternative to institutional prison because it enables offenders to work, maintain links with family, avoids the well documented harms of prison and in particular is feted as a sentence ideally suited to women offenders. In reality however, most women's involvement in home detention is largely as 'sponsors'¹ of (male) family members on HD because the overwhelming number of people on HD are male.

In this paper I discuss some broader concerns around home detention including its class bias, families living both as prisoners and de facto prison officers and homes being converted from private to public space and taking on the characteristics of prisons. I also consider issues of gender which arise in a sentence of home detention, both for women as sponsors and women as offenders.

The number of people on HD in Australia is relatively low, 808, compared to 53,000 on other community based orders and 24,200 in prisons (ABS 2005). However a fomenting environment of fear, not only of crime but of 'terrorism' may see an increase in the use of electronically monitored home detention for surveillance not only of offenders but for citizens suspected of 'terrorist' activity. The facility of electronic home detention (EHD) to electronically pinpoint and monitor a person's whereabouts can serve to boost a perceived lack of confidence in community based sentences, as well as allay community fears about the whereabouts of persons suspected of terrorist activity.

The most disturbing feature of home detention was identified in a Victorian government discussion paper in 1987 when it was first mooted there. It stated, 'if we regard homes as potential prisons, capacity is for all practical purposes unlimited' (Feiner 1987). This statement is not only portentous of a landscape of sprawling suburban prisons, it neatly removes any imperative to address why prisons are overflowing because it renders prison capacity problems obsolete.

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1 Sponsor is the word used in NZ to describe the people who agree to have offenders on EHD in their home and is the term used in this paper.

2. Why has Electronic Home Detention (EHD) Come About?

Most countries in the west have experienced big increases in prisoner numbers, with women's numbers rising at a much higher rate (UN Economic and Social Council 2005:2). This is not because crimes are escalating exponentially but can be explained by a number of phenomena. In the west we are experiencing increasing gaps between rich and poor, a society which is becoming increasingly scared and less tolerant of a variety of 'antisocial' behaviours, mandatory sentence and truth in sentencing legislation, less tolerance for young people and governments seeking criminal law solutions to social phenomena and problems (Scraton 2004; McCulloch 2005). A variety of new offences are being created from the plethora of 'terrorism offences', to 'anti-hooning' laws in Queensland where a person can have their car seized for a second offence of having their car-stereo playing too loudly. In Victoria new anti-chroming laws are likely to result in the criminalisation of more young people.

The impact of the prison industrial complex is also a factor (Davis 2003; Coyle et al 2003). In Australia, like other countries the prison industrial complex has been active in pushing their wares, particularly surveillance and control technology, which is a high profit product constantly updating itself. Prisons are fertile ground for the latest technology these companies produce. At enormous cost, biometric identification of visitors is the norm in most of our prisons, notwithstanding that less than a handful of prisoners here have ever escaped disguised as someone else. Video surveillance recording prisoners 24 hours a day in some cells and constant recording of non-cell areas is also a norm. However legislation to protect privacy and ensure accountability for its use, is much slower to sign off on than budget appropriations to purchase these technologies.²

In Australia there has also been a subtle cost-shifting move in prisons, as in health, welfare and education, from the public to private purses. Home detention fits neatly into this cost-shifting ideology as it seconds private homes into public prison space. In addition in the US many prisoners pay a fee for the technology and surveillance,³ and in many places (including Western Australia) it is managed by private security companies (Black & Smith 2003:5, Martinovic 2002:10, Haverkamp 2004:39). In Australia except for certain NSW prisoners,⁴ prisoners don't pay for their surveillance but apart from any social security or paid work an offender gets, families bear the cost of running the home prison.

3. How Does EHD Work?

EHD or HD can be applied for at various junctures of a person's involvement with the criminal justice system. In some states it is available as a bail condition, however, it is mainly utilised in Australia as a 'front-end' or 'back-end' option. 'Front-end' occurs where a person is given a custodial sentence by the court and they can then apply for EHD as an 'alternative' to prison (like a community-based order, suspended sentence or intensive corrections order). 'Back-end' is a form of prison 'early release', although this latter phrase is eschewed, because most governments abandoned early release schemes some years ago, at the same time as there was media baying about 'truth' in sentence lengths.

2 In Victoria is took almost 8 years of lobbying by community legal centres for rules to be made on the use of video surveillance in prisons including whether prison operators needed to retain copies of video tapes. Documents held by author.

3 Payne (1998) reports that detainees were paying US\$70 a week.

4 In NSW people on work release who are electronically monitored do pay for their own surveillance.

EHD is an import from the US and was taken from the leaf of a Spider Man comic (Fox 1987:133), although as a punishment, confinement to a specific place in the community goes back to medieval times (Roberts 2004:7). HD turns a person's home into their prison and various prison rules are monitored and enforced. Essentially a detainee is on 'curfew' at home. Although implants are being trialled (Black & Smith 2003:2), in Australia a detainee wears an electronic device, secured to their body which transmits through their home phone to a central computer monitor. Global Positioning System devices are used in WA and are under consideration in Victoria. In the US, GPS devices on offenders correlate the wearer's movements with crime reports and alerts authorities if that person is in the area (Black & Smith 2003:5).

HD requires that the offender must be at home except for prior approved absences — work, education, drug and alcohol counselling, community work, dropping the kids to school. A corrections officer has 24 hour right of entry to their home, can administer drug or alcohol tests, can search anywhere including co-residents rooms and the order can require that certain activities not be undertaken by anyone in the house, such as drinking alcohol or gambling. The detainee can be prohibited from associating with certain people, paradoxically the very people they may have just been in prison with. The offender can receive monitoring phone calls any time of day or night and must log their electronic bracelet/anklet into their phone to prove that they are there. If a person doesn't log on or goes out of range of the phone, the central computer notifies an officer and this constitutes a breach of order. Offenders must tell their workplace they are on EHD and mobile corrections officers drive by and electronically check their whereabouts, likewise if they are at other 'approved activities'. Corrections officers are required to provide support to detainees in finding work, housing, organizing rehabilitation programs and dealing with the challenges of the EHD order, both for detainees and co-residents.

4. How Gender, Class and Race Impact on EHD

In Victoria, as in most states, EHD is for 'carefully selected, non-violent, low risk, low-security offenders' (Victorian Hansard 2003:14840). In most states persons are excluded from EHD who have a history of violence, sex offences or family violence protection orders. This last exclusion is to address fears of violence being perpetrated in the home prison. However its effect may be marginal because many women do not take out protection orders and only 14% of Australian women experiencing family violence report it to police (Mouzos & Makkai 2004:112). This failure to officially report family violence is particularly so for women from communities which have experienced oppressive policing, in particular Indigenous women (HREOC 2004:7).

In its design and impact, HD is a sentence with inherent class, gender and racial bias. The differing social circumstances of detainees results in inequitable punishment (Martinovic 2002:13). In the Victorian scheme, operating since 2004, 90% of detainees were back-end (prison) and the typical detainee was 'white, middle-class male, aged 41.3, working with two kids' (Skinner 2005), 'mostly white-collar offenders ... driving, fraud, gambling ... well educated and employed' (NSW Parliament 2005:84). This profile is in stark contrast to the average profile of prisoners in Victoria where 12% of women (men 31%) had paid work prior to prison and 9% of women (men 5.5%) completed secondary education (DOJ 2004:7).

Housing

The requirement of stable housing for EHD eligibility creates the greatest gender and class bias of the scheme. Most women, even those on short sentences, lose their accommodation when they are imprisoned (Cook & Davies 1999:278). Comprehensive research has shown that women have greater problems securing stable accommodation on release than men, with 67% of men expecting to live with their parents/partners or close family members post release, compared to 32% of women (Baldry et al 2003:10, 20). In respect of EHD eligibility, this translates into most women having no family home to go to on release and no persons in it to 'sponsor' them.

Compounding this barrier, is the debt which women in prison carry. Women in prison owe a high proportion of their debts to Centrelink and housing and utilities authorities, whereas men's debts are to financial institutions (Corrections Victoria 2004:8; Baldry 2003:14, 20). As few women have a family home post-release, they are reliant on public or supported housing to satisfy EHD eligibility, however women's debt to public housing authorities often precludes them from being able to apply for it. This is particularly the case for Indigenous women, 'at least in prison we have a bed, our bills are paid and we are safe' (DOJ 2005:514; HREOC 2004:20). In Victoria, these problems have surfaced in the EHD scheme where 'location of suitable accommodation is more of a problem for women than men' (NSW Parliament 2005:85).

Women and Dependant Children

Women are further removed from being able to access EHD because of their status as sole parents. In Victoria 70% of women in prison are mothers, most are sole parents, with Indigenous women having larger numbers of dependant children (DOJ 2004:9). Experience in Victoria indicates that most women who leave prison are not automatically reunited with their children, many of whom are under state supervision (Carnaby1998:66) with Indigenous women experiencing higher levels of child removal (DOJ 2005:212). As a consequence, women can be faced with a catch-22. They may not be eligible for public housing unless they have their children with them, however the state won't return their children unless there is suitable housing. And with no housing, no EHD.

Women and particularly Indigenous women rely on supported and emergency accommodation more than men (AIWF 2005) and community agencies that provide supported accommodation are already unable to meet the demand for housing that exists (Council to Homeless Persons 2005). Agencies are faced with a dilemma as to how to prioritise limited housing stock. Do they allocate it to someone homeless on the outside or to someone who is desperate to get out of prison and who without supported accommodation can't meet the EHD criteria and who as a consequence, won't then be reunited with their children.

This inability to access stable post-release housing is a significant predictor of the risk of returning to prison (Baldry et al 2003). The requirement of housing for EHD, serves to reinforce the privilege of those with housing and reinforces the link between lack of housing stability, offending and incarceration.⁵

5 The Baldry (2003:11) research found that of prisoners post-release who were stable, or who only moved once, 22% returned to jail within 9 months, whereas 59% of those who moved more than twice, were back in prison within 9 months. They found that significantly more women returned to prison than men because of accommodation problems.

Women's Extra Punishment and Surveillance

The home has been described as one of the most significant sites for the control of women (Aungles 1994). Home detention builds on and reinforces this. In New Zealand, EHD sentences for women were significantly longer than for men (King & Gibb 2003a:12). In NSW, 24% of women assessed for HD had no prior criminal history compared to 7% of men (Heggie 1999:20); shoplifting was the most frequent offence for which women received HD. The Law Society expressed concern at these extremely high levels of women getting HD, when other less intrusive diversionary sentences would have been used prior to HD's introduction (Lagan 1988:17). These research findings support a view that the judiciary treats women offenders more harshly when there is the option of a home prison. This reinforces the home as a site for the control and punishment of women.

In Victoria, Human Services are contacted in respect of all children affected by a prospective EHD order, to determine if any child protection orders have been made in respect of those children and that offender. If a child, over whom a protective order has been made, is permitted to reside there, they will be under the surveillance of Human Services to assess whether their physical, emotional and social needs are being met in the home prison, in which they may spend up to 20 hours a day alone with their mother. Women in the criminal justice system are already judged against the cultural ideal of motherhood (OSW 2003b:6). Being constantly monitored by corrections as to how well you are all coping, living in a home prison, as well as living under Human Services monitoring, would create high levels of stress.

The sentence of EHD for a female sole parent, is far more onerous than for detainees who have other adult support in the home. Their children have much greater difficulty adjusting to HD, because they are confined to the prison that their mother is in, with no other adult immediately available to take them out (Heggie 1999:97; Maidment 2002:57). One single mother said, 'The best thing about home detention is being with kids the all the time, the worst thing about home detention is being with the kids all the time' (Heggie 1999:65). Whilst the inability to leave the house much may be manageable with babies, once children are older this restriction can create problems, with children going out of their minds with boredom or feeling stir-crazy.⁶ Sole parents face having to tell wide circles of people about their situation, if they seek non-familial support to get their kids out for sports events, visits to friends and entertainment. They experience guilt if their kids can't get out (Maidment 2002:57).

Moreover, the 'success' of EHD for individual offenders has been strongly linked to family support at home, with isolation and boredom identified as problems for people who live alone (Dodgson 2001:35). This bodes badly for women who are sole parents.

An inevitable consequence of EHD is the creation of class-determined prisons. One person's prison will still be a cell, another's will be a mansion with a garden to wander, able to pop out each day to keep their business ticking over. Someone else's will be a flat on the 17th floor of a public housing estate on social security with toddlers, looking down on a playground that they can't go to without pre-authorised approval.

6 Correspondence to the author from woman on EHD

5. Consent or Coercion?

In Victoria prior to EHD being granted, corrections officers must undertake assessments of all members of the household, including children, to assess any risk to them and the offender. Officers must ensure that co-residents freely 'consent' to the EHD order and conditions — 24 hour phone calls, right of entry and search of the entire residence and to participate in discussions about the detainee's progress. All co-residents can have police checks performed on them.

To talk about freely given consent in these circumstances is disingenuous because the 'choice' a family has is that unless they agree to their partner/husband/son/daughter being on EHD, that person stays in prison. This is no real 'choice' because not only do women frequently put the needs of others before their own, but any partner/mother/sister would generally prefer their family member out of prison (Martinovic 2002:8). One man on HD put it this way, 'I'm so grateful not to be in jail, but to tell the truth, sometimes the walls just close in and the last thing you want to do is sit down and have a cup of tea with the missus. That's when I think I'll go mad if I don't get out of this house ... then I feel really guilty and think about all she has done for me' (Heggie 1999:65).

There is a lack of understanding about the issue of consent and coercion with regard to gender and power relationships. The Victorian Director of Community Corrections, who has responsibility for EHD, when speaking to a parliamentary inquiry, said he was puzzled as to why there was strong community concern about women fearing the consequences of them not giving consent to their homes becoming prisons and their partner being in that prison, compared to them consenting to their partner being released on parole (NSW Parliament 2005:83). This reveals a failure to understand that the stakes are very different and likewise the consequences of 'consent'. The burden women are expected to consent to, in agreeing to their home becoming a prison; having a male partner trapped in the home for months and being essential to both supporting compliance with and vigilance of EHD conditions, is a very different burden to one where a partner is free to come and go, as they can on parole and where compliance is monitored exclusively by others.

NZ research showed that although most women who 'sponsored' a home detainee felt that they did have a choice, they reported a real sense of obligation to consent because they were keen to get their loved one out of prison. When the person was home on EHD the women felt they had to sacrifice their routines, time, money, and energy to support the detainee. Women actually curtailed their own social lives in support of the detainee and children lost playtime outside the home. In other cases women made definite choices to spend more time away from home (King & Gibbs 2003b:129). Likewise in Canada, partners stayed at home and assumed the restrictions of the order on their own lives, disengaging from social activities (Roberts 1995:113).

Another impact of EHD is that not only are families crucial in supporting detainees to comply with the order's restrictions (Roberts 2005:109), but they may feel responsible if the detainee re-offends. This is another example of the family being caught in the widened carceral net. It is easy to imagine women/partners/mothers saying: it was their fault that the detainee had a drink, they should have been more considerate/less tolerant of them, given more support/less support, gone out less/left them alone in peace more often. Families will share and bear a burden of guilt and responsibility if the detainee breaches and is returned to prison.

A less recognised consequence of EHD is the impact that it can have on destroying a prisoner's outside non-familial support network, if these people will not consent to

sponsoring the person on EHD. In WA a women in prison with no immediate family who wanted HD was unable to convince friends to take her in. She became increasingly desperate and hostile to these friends and as a consequence lost them.⁷ This is significant because when a person gets out of prison it is these friendships and support that can be key, not only in not re-offending, but to actually surviving (Davies & Cook 1998).

6. The Imperative of Silence and Lies in any Prison

The issue of the potential for family violence in the prison home has been acknowledged in most states. In Victoria corrections officers are required to assess risk of violence to women and children in assessing whether an offender's situation is suitable for EHD. Unfortunately a proposed specialist intensive for officers on family violence was cancelled in preference for training on the surveillance technology.⁸

One concern around EHD is that a consequence for family members disclosing family violence or problems the detainee may have fulfilling EHD conditions, can be that the detainee is sent back to prison and that responsibility for this is borne by the sponsors (King & Gibbs 2003(b):120). Family members must consider whether they should alert a corrections officer if a detainee is breaching their conditions. If on a home visit, a corrections officer poses questions to determine a detainee's drinking for example, a partner/mother may face a dilemma — lie, which makes her complicit in covering up his 'offending', or tell the truth, cognisant that the consequences of this, may result in breach. NZ research documented a weight of expectation on families to supervise detainees informally and tell officers if things weren't working out (Roberts 2005:111). This is an unenviable and unfair position to be placed in when the consequences of breaches are so significant.

In institutional prisons, for a variety of reasons, there is a culture of silence about violence. The findings of a NSW review indicate that this may be replicated in home prisons. In a sample of 370 EHD offenders 80% of whom were men, the only person to admit to being a perpetrator of family violence during the EHD order was a woman and the only victims who reported were two men! (Heggie 1999:71). Given that the high prevalence of family violence in the community is by men against women (ABS 1996) it would be extraordinary if not one of the men in this sample committed an act of family violence. This review finding indicates how unrealistic it is to expect that family violence will be visible in home prisons, and any safeguards to facilitate its exposure face significant barriers. This silence about violence prevails because family violence is already a prison for many women. The walls of silence about family violence will be reinforced, if home prisons mirror the characteristics of institutional prisons, where speaking out can also be fraught with danger.

7. What are the Consequences of Home Becoming a Formal Prison?

EHD can both reinforce traditional gender roles (Maidment 2002:58) and disturb them. It also forces men to spend more time with partners and children, apparently a different experience for some men. EHD can infantilise detainees, particularly if they are living with parents. Whether it is women or men on EHD, families inevitably share in the control,

7 Case study from Gosnells District Information Centre, WA, held by the author.

8 Discussion with Victorian Home Detention Family Violence Working Party.

surveillance and punishment experienced by the detainee (Aungles 1994:69). They are also required to do the work of prison staff, unpaid. Prison culture can also bleed into family interactions.

Gender Roles

Women on EHD, living with a male partner and children and trying to run a home and family, experience more stress than men on EHD. Canadian research indicated that men on EHD spent much of their time watching TV, sleeping and chatting on the phone and were accustomed to women doing all the out of home support of the household. However women on EHD spent increased amounts of time on household tasks, often tried to cram into outside hours what was necessary to run the entire household and those who required male partners to assume these responsibilities often faced resentment and conflict (Maidment 2002:57). A NSW parliamentary inquiry was told that partners of men on HD who formerly 'have not been part of the rearing of children ... not been there to pay bills, do laundry, shopping' asked corrections officers to assist educating the men in their family responsibilities (NSW Parliament 2005:19).

When men are on HD, and most detainees are men, it is women who provide as unpaid domestic labour in the home prison, the work of prison officers and social workers. As one analyst observed, 'it does not seem just that women should be exploited by the needs of the criminal justice system to control and supervise offenders most of whom are men' (King & Gibbs 2003b:123). In addition women do the entire running around outside the prison to support the detainee and his needs. 'I was pushed to the limit during my husband's sentence. I had to hold down a job, do all the shopping, take the kids to school then take them to sport on Saturday, on top of all this, we had decided not to tell any of our friends about the order so consequently I had every Tom, Dick and Harry telling me I was a "doormat" and I should get my husband off his bum to do his fair share ... if he ever gets done again, I'll tell everyone the truth and he can deal with the fallout, not me'(Heggie 1999:66).

Apart from reinforcing traditional gender roles, EHD can also disrupt them. With a man incarcerated in the home, the dynamics in a family can be reversed. It is women and children who have freedom of movement and association, freedom to spend money out of view of their partner and freedom to drink. One negative report to an EHD officer from the family of the detainee, can result in him being breached. For some men, this change in power dynamic will represent a threat to them and may produce tension, conflict and violence.

Research has indicated that many detainees report that they benefited from being forced to spend more time with their families and partners, although none of this research provided a gender breakdown (Dodgson 2001:32; Heggie 1999:67, 91). It is suggested that this represents a male experience of HD. The research also observed that in forcing men to stay at home, some men's relationships with children improved (King & Gibbs 2003(b):120). This is an interesting twist in sentencing, enforced fatherhood as part of punishment.

Prison Rules

Because home detention transforms private space into public space and relies extensively on the support and assistance of family members, the state has 'substantial influence over the behaviour of the affected family which can lead to state intrusion on personal and family privacy, family behaviour and movement' (Heggie 1999:115). Families where the home is a prison are faced with questions about what to do with children who may be recreational illegal drug users. Does a woman say to her son who smokes marijuana, that he can't do this in the privacy of home any more, he has to go elsewhere, where she doesn't know who he's with and what's going on? One woman sponsor in NSW felt she had to be on her best

behaviour and keep the house immaculately clean just in case an officer stopped by. 'Its my house as much as his (offender). Sometimes it really annoys me that these officers call in at all hours without notice ... don't get me wrong, they're a nice bunch, but it can get a bit embarrassing' (Heggie 1999:69).

Another consequence of the HD prison is that new layers of criminality are introduced into homes (Aungles 1994:67). Ordinary activities like drinking, being late, gambling, having a friend over to visit, or leaving the house, are redefined as 'criminalised' activities because they constitute breaches of the HD order. The home is not only the site of the prison, but also the site of a set of potentially new offences which can only be committed because the home has become prison space. This replicates institutional prisons, where behaviours which are 'normal' outside; swearing, not making a bed, talking back, possessing a non-transparent pen, can all constitute prison offences which attract punishment.

A NSW man on back-end HD described how he became extremely distressed when he realised he had started enforcing the rules, regime and culture of prison in his home and with his kids. He was obsessive about tidiness, order and cleanliness in their home (a common institutionalised behaviour because it is demanded in prison) and was more punitive with his children over these issues. He recalled being horrified when he heard himself speaking to his children like a prison officer. He also found it extremely frustrating that his kids could not leave the house to play unless his partner was there. This, he said resulted in him resenting his wife not being there and also resenting her when she did go out with the kids and he couldn't.⁹

8. Does EHD Live up to its Promises; Is it more Effective than other Community Sentences?

Much of the qualitative research on detainees and their families has sought their views on EHD compared to prison (Heggie 1999; Payne 1998; Roberts 2004; Maidment 2002). Aside from reducing cost and prison numbers a number of "advantages" of EHD over prison are cited by governments wishing to introduce it. These revolve around avoiding the harms of institutional prison including its negative effects on rehabilitation, family and community ties. The possible health effects of having electronic transmitters attached to detainees' bodies for up to 12 months has received no attention in the literature. The purported advantages of home detention are in being able to work, protection from the 'contamination' of other prisoners, reduced disruption to family and increased community safety through an incapacitation of the offender's movement and constant surveillance.

The problem with comparing prison and EHD in Australia is that it is premised on an assumption that EHD is the only alternative to a prison sentence. However there are many sentencing alternatives available which are prison sentences served in the community. These involve community work, rehabilitation programs, intensive reporting to corrections officers and urine/breath tests. But over the last 5 years, rates of community based sentences have steadily decreased whilst imprisonment rates have increased (ABS 2005:11,24). Poorly resourced community corrections programmes in conjunction with a media fuelled lack of community confidence in alternative sentences and demands for 'harsher' sentences may be explanations for this reduction. So the addition of constant surveillance utilising electronic monitoring combined with severe restrictions on movement, serves to add a punitive layer to community sanctions to allay community concerns about 'criminals'

9 Part of this interview was broadcast on Stateline ABC TV May 2001.

wandering around freely on other community sentences. In the US and UK, approximately 20% of people on community orders are now electronically monitored (Gable 2005:22).

This extra layer of surveillance and confinement performs no function other than punishment. Research in the UK and Canada found that the impact of EHD on re-offending rates was neutral, when compared to community sentence offenders who were not on it (Gable 2005:23; Mortimer 2001:4). There has been no equivalent research in Australia and unfortunately the Victorian government, which is undertaking research on its three year EHD pilot, refused to include in it the impact on re-offending on EHD, compared to equivalent community-based sentences.¹⁰

The rationale used by governments, that the additional EHD condition restricting a person's movement, through home confinement, over and above the conditions of most community orders, will make the community safer, is spurious. If an offender is 'safe enough' to be in their home (in the community), a place where most crimes of violence occur (albeit unreported), particularly against women and children, as well as a string of other offences — illegal drug taking/trafficking, consumption of stolen/fraudulently obtained goods, stripping of stolen cars, then surely they are 'safe enough' to be in the community.

The research on whether EHD reduces prison numbers is unclear and extremely difficult to assess. In the NT the claim for EHD is that it has significantly reduced prison numbers, particularly Indigenous prisoners. Approximately 30% of the NT prison population was incarcerated for unpaid fines, and EHD was used to divert this group from prison (Owston 1990:4). Equally though, any other community-based option, could have emptied prisons of fine defaulters. This is just one of the problems in assessing the claim that EHD will reduce prison numbers. The fact is that any alternative to prison that a government develops could reduce prison numbers, it is not a unique feature of EHD. Research in the US and across a number of jurisdictions indicates that EHD has not resulted in a reduction in prisoner numbers or any reduction in the cost of the prison system (Black & Smith 2003:5). The continued rise of the prison population in Australia at precisely the same time that EHD has been implemented suggests that EHD is not contributing to any reduction in prisoner numbers. Conversely, the intense surveillance and monitoring could lead to an increase in prisoner numbers as a result of increased breach activity (Ward 2001:23).

In respect of end-of-sentence options, gradually around Australia, governments have reduced the availability of early release programmes as truth in sentencing and law and order agendas have gripped the community. These early release programmes which formerly involved minimal support and little funding have now re-merged in the guise of EHD, although which much expanded programme funding. In Victoria detainees and their families can ring corrections officers 24 hours a day for support or assistance. This level of personal support was never available to prisoners on earlier pre-release schemes and there is no reason why this intensive support could not be offered to other pre-release prisoners without the requirement of 24 hour surveillance and that their homes become their prisons. This would preserve their home and family as a sanctuary from the mistrust, violence and despair of prison, rather than having to walk into another version of prison.

10 Correspondence to Victorian Federation of Community Legal Centres from Minister for Corrections February 2003.

9. Conclusion

EHD is a sentencing option being increasingly utilised in many countries. There have been financial, rehabilitative and security imperatives given for its introduction. With prison numbers and costs increasing, EHD permits significant numbers of offenders to be under 24 hour electronic surveillance in home prisons at a cheaper cost. As with most prison programmes and research into them, the focus is largely on men as they comprise the overwhelming majority of offenders. The position of female offenders is frequently assumed to be the same as males, ignored or marginalised.

There are structural biases which make it more difficult for women offenders, particularly single parents to fulfil EHD eligibility, particularly housing difficulties and poverty. Female sole parents on EHD, as well as their children, experience greater state surveillance and punishment.

The impact on women and children sponsors within the home prison has slowly emerged as a concern, with EHD dependent on the 'consent' and participation of the family. EHD creates homes as prisons and research indicates that most families feel that they too are under surveillance and a degree of control. Families are also implicated in the monitoring and enforcement of the conditions of the order. EHD reinforces gendered roles within the home, and creates risks for family violence, with any safeguards in place, inherently compromised.

The current political environment which is characterised by fear and a greater willingness to override human rights and privacy issues in pursuit of community safety, will no doubt see a proliferation of the continuous electronic surveillance and control of a greater number of people. This can be achieved, by transforming what is currently private space into public space, utilising the limitless prison capacity of suburbia.

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