

Home Detention: Issues, Dilemmas and Impacts for Detainees' Co-Residing Family Members

Marietta Martinovic*

Brief Historical Context

Home detention,¹ as a means of confinement and control is not a recent invention (Gibbs & King 2003a:1). It has an extensive and prominent history where it was mainly used as a means of silencing political dissidents and radical thinkers (Ball et al 1988:34; Morris & Tonry 1990:213; Whitfield 1997:31). Even in biblical times St Paul the Apostle was detained under house arrest with a Roman soldier in front of his house guarding him at all times (Gibbs & King 2003a:1). Contemporary use of home detention, which utilises electronic monitoring technology, can be traced back to the early 1980s in the United States when this sanction became an actual sentence of the court (Enos et al 1999:71; Whitfield 1997:31). Viewed as a modern solution to the increasingly unsustainable cost and prison overcrowding crisis, the implementation of home detention programs expanded rapidly across the United States (Doherty 1995:129; Renzema 1992:47). This sanction has been pioneered as a 'stand-alone' alternative to imprisonment (Blomberg et al 1993:187; Gibbs & King 2003a:2; Maxfield & Baumer 1990:521).

Many countries swiftly embraced and trialled varied models of home detention programs. The first countries that utilised home detention included Australia, Canada, England and Wales, New Zealand, the Netherlands, Sweden and Scotland (Mainprize 1995:141; New Zealand Department of Corrections 2000:3; Whitfield, 1997:57-76). Subsequently on the cusp of the 21st century Switzerland, France, Germany and Spain joined the growing international trend of confining offenders to their homes as an alternative to incarceration (Lilly & Nellis 2001:59). Each country designed a unique home detention program as a specific response to the problems identified within its criminal justice system. However, it is interesting to note that while legislators had believed that

* Marietta Martinovic is a Lecturer in the Criminal Justice Program and a PhD candidate at the RMIT University, Melbourne. Postal address: GPO Box 2476V, Melbourne Victoria 3001; Email: marietta.martinovic@rmit.edu.au. The author extends gratitude to Dr Marg Liddell for valuable input and support, Malcolm Feiner from Corrections Victoria and two anonymous referees who made helpful suggestions.

1 Home detention, also known as home confinement or house arrest (Ball & Lilly 1986:17; Champion 1996:309; Fox 1987:138; Whitehead 1992:156), is where offenders are strictly supervised whilst they are confined to their homes and a number of restrictions and obligations are imposed on them (Cromwell et al 2005:178).

home detention would be applied widely, sentencers have been very cautious in applying the sanction. Relatively small numbers of offenders have therefore been placed onto home detention programs (Whitfield 2001:21). Even in the United States, which is the largest user of home detention programs, 100,000 offenders were on home detention daily during 2000; this is only 1.7 per cent of the 'potential market' (Whitfield 2001:61).² Similarly, the average daily number of offenders on home detention in Australia during 2004/2005 was about 650, which is nearly 1 per cent of the 'potential market'³ (Henderson 2006:74; Steering Committee for the Review of Government Service Provision 2006:Tables 7A1, 7A3).

Whilst home detention programs vary in terms of degrees of offender control, there are certain core conditions common to programs around the world. Most notably, offenders must reside in a suitable residence which is subject to being searched at any time, and their co-residents (over the age of 18) must sign a contract allowing them to serve their order in that dwelling (Church & Dunstan 1997:19, 25; Gainey et al 2000:739; Henderson 2006:17; Maxfield & Baumer 1990:525; Whitfield 1997:59, 93). Offenders are usually required to remain confined to their residence at all times except when they are performing pre-approved activities. Their compliance with this condition is enhanced by electronic monitoring using radio frequency (RF)⁴ and more recently global positioning systems (GPS)⁵ technology (Heggie 1999:2; Mair 2006:57). It is also often compulsory for them to engage in employment, community work and treatment, and to remain drug and alcohol free (Ansary & Benveneste 1999:123; Champion 1996:310; Henderson 2006:44-47; Rackmill 1994:46; Schulz 1995:59-69). Offenders can be sentenced to home detention usually for periods of up to two years (Henderson 2006:49; Whitfield 1997:32).

The Scope of this Article

As the development of home detention programs expanded throughout the Western world, a plethora of research has focused on effectiveness-related issues of home detention. These investigations have aimed to make this sanction more 'efficient' and have therefore predominantly analysed home detention's cost, potential net widening effect, and its recidivism rate. Conversely, there has been limited research on how detainees relate to punishment on home detention and even less about how 'people who share their life space' are affected by the imposition of this sentencing disposition (Aungles 1995:36; Mainprize 1995:141).

This article therefore analyses the impact of 'incarceration at home' on detainees' co-residing family members, and it attempts to fill a significant gap in criminological research (as described by Aungles 1995:36; Gibbs & King 2003b:206; Roberts 2004:92; Whitfield 2001:82). Aungles (1995:36) noted that 'what is noticeably missing from penal discourses ... is a detailed understanding of the extra stresses imposed on the other carer/controller

2 Whitfield (2001:61) defined the 'potential market' as 'the sum of the prison and supervised populations - a very crude approach indeed, but with the sole virtue that it makes international comparison more realistic and achievable'.

3 This statistic is calculated by inserting Australian data into Whitfield's above mentioned calculation.

4 RF electronic monitoring technology informs the authorities whether the offender is present or absent at a location where he or she is supposed to be (Mair 2006:57).

5 GPS electronic monitoring technology can be used to restrict the offender from certain individuals and locations by tracking his or her movements via satellites and pinpointing his or her actual location (Mair 2006:57).

living inside the home, who typically is the wife or mother of the prisoner and whose services are being drawn on unpaid’.

Aungles (1994:5-6) further explained, in her landmark study of the prison and the home, that co-residing family members have no voice and are ‘invisible’ as a group within the community. This is because they ‘fall between spheres of domesticity and law and order’, resulting in little public discussion about the burdens that are placed on them (cited in Heggie 1999:59). The exploration of the impact of home detention on detainees’ co-residents is essential as the overwhelming majority of detainees reside with co-residents, who are generally family members, for the duration of the order (Baumer & Mendelsohn 1990:24; Church & Dunstan 1997:23; Mainprize 1995:148). It is also important to note that ‘nobody wants to see additional burdens placed upon families who are already likely to be struggling financially and emotionally’ (Gibbs & King 2003b:208).

This article examines how specific conditions of home detention, which are directly imposed on home detainees, affect their co-residing family members. This investigation relates to the average detainee–co-resident relationship,⁶ who have an average standard of living, and where the detainee has been sentenced to an order that imposes moderately stringent conditions. The findings of this paper can be used to address varied pressures often placed on co-residing family members who willingly allow correctional intrusion into their private living space so that the detainee can avoid incarceration.

The Utilisation of an Offender’s Home as a Correctional Site

Home detention has allowed the mushrooming of a series of ‘secure prison units’ across suburbia where ‘private homes’ have become ‘public prison space’ (George 2006:80). This is important because the slogan ‘a man’s home is his castle’ has had historic significance among Anglo-Saxon people (Ball & Lilly 1986:22-23). The home acquired a sacred character as it became a personal sanctuary and a safe harbour for all regardless of their economic status. The often cited quotation from Pitt encapsulates this: ‘The poorest man may in his cottage bid defiance to the crown. It may be frail – its roof may leak – the wind may enter – but the King of England cannot enter – all his force dares not cross the threshold of the ruined tenement’ (quoted in Glasser 1974:100).

Within the ‘surrogate prisons’ (Heggie 1999:60) detainees’ co-residing family members are expected to offer personal support and even supervision to some extent (Baumer & Mendelsohn, 1990:219-221; Enos et al 1999:213; George 2006:86; Gibbs & King 2003a:2,9). Unlike other community based penalties, home detention requires co-residing family members to formally consent to the imposition of the order within the confines of their living space. The contract also assumes that they will cooperate with the imposed order requirements (Aungles 1995:336; Heggie 1999:2, 27; Roberts 2004:111; Whitfield 1997:59, 93-94). Therefore, from the outset co-residing family members may be placed into an unpleasant situation should they object to the offender’s release onto home detention; this is because they may experience subsequent vengeful behaviour (Feiner 1987:4).

Research about co-residing family members’ role on the home detention order is relatively new. In the mid-1980s and early 1990s this sanction was portrayed as a ‘piece of cake’ (Blomberg et al 1993:191) and its main selling-point was that detainees were able to remain at home with their families. Co-residing family members’ role within home detention was entirely ignored (Gainey et al 2000:749). Over the last 10 years it has become

6 Average detainee–co-resident relationship refers to a typical relationship that is most often experienced.

apparent that the punishment directed toward the detainee spills over into the lives of their co-residing family members. As a result, the quality of co-residents' lives may suffer and their own sense of home privacy may become diminished (George 2006:80, 84; Gibbs & King 2003b:203-208; Von Hirsch 1990:170-171).

Key Determinants of Impact of Home Detention on Detainees' Co-Residing Family Members

Criminological discourse reports that the impact of home detention on detainees' co-residing family members is individualistic and varied (Ansary 1999; Church & Dunstan 1997; Doherty 1995; Mainprize 1995). Three distinct factors seem to have emerged as crucial determinants of this impact. The principal determinant is whether the co-residing family member has a caring and stable relationship with the detainee (King & Gibbs 2003:120; Martinovic 2002:8; Whitfield 1997:94). Research has determined that detainees' female spouses and parents are the most likely to make changes and even sacrifices in their own lives in order to facilitate the detainee feeling 'comfortable'. Further these adjustments may reduce the possibility of tension during their social interaction while the order is in place (Doherty 1995:138-139; Gibbs & King 2003a:9; Maidment 2002:58). Specifically, it has been established that women comprise the majority of co-residents of home detainees (Aungles 1995:35). Research has indicated that they 'feel more obliged than men to sponsor home detainees, to be responsible for the welfare of the children and for harmony within the household' (King & Gibbs 2003:120).

Another key determinant of the overall impact of residing with a home detainee is the severity of order conditions that are imposed on the detainee. If the conditions of home detention are particularly stringent, co-residing family members are generally expected to provide more assistance under even more tense circumstances. Similarly, the length of the order as well as whether the home detention program encompasses easing phases⁷ are critical. This is because it has been determined that sentences of six months or more without lessening phases can have adverse effects on detainees and subsequently their co-residing family members by leading to 'cabin fever' (for more information see Rackmill 1994:48).

Lastly, the financial situation of the household is of significance. If the detainee and their co-residing family members are financially secure, they are less likely to have to make financial sacrifices in order to comply with mandatory monetary order requirements (Ansary 1999:125; Church & Dunstan 1997:93; Martinovic 2006:5). Further they are likely to reside in a more spacious living space where they both have more privacy and fewer disturbances (Ansary 1999:217). In addition, they often have an ability to afford some at-home 'luxuries' such as entertainment and recreational equipment that are said to ease the 'onerous order experience' (Cheever 1990:31 cited in Rackmill 1994:45).

Five Distinct Onerous Effects Experienced by Detainees' Co-Residing Family Members

This article brings together the research of various academics and proposes that although the punishing conditions of home detention are exclusively imposed on detainees, their co-residing family members are also somewhat punitively, albeit unintentionally, affected by

7 If a home detention program has phases or stages it means that the severity of control that is imposed on offenders declines gradually depending upon their satisfactory progress with the Order's conditions (Fox 1987:142; Gibbs & King 2003a:6; Henderson 2006:59-62; Schulz 1995:69).

them. A co-residing family member explained this: 'I don't think the judges understand when they hand out this sentence, that they're handing down the same sentence to the family' (cited in Roberts 2004:109).

The penalising impact experienced by co-residing family members can be divided into five distinct onerous effects. These include effects caused by:

1. feeling responsible for helping the detainee comply with the order;
2. indirectly applied facilitating control factors;
3. feeling embarrassed as a result of residing with a detainee;
4. perceived relocation of governmental control into private homes; and
5. 'under-duress' social interaction in the household.

In order to explain the above typology of impacts endured by detainees' co-residing family members, it is important to succinctly state the order conditions that are imposed on detainees that simultaneously have the most impact on their co-residing family members.

Feeling Responsible for Helping the Detainee Comply with the Order

As co-residing family members share their living space with the detainees and are often closely related (such as spouses or parents and children) they usually feel obliged to help detainees comply with the rigorously imposed order requirements (Gibbs & King 2003b:208). Research has indicated that co-residing family members are most likely to feel responsible to assist detainees with three explicit sets of conditions, including limited movements, monetary order obligations, and exposure to temptations (Altman & Murray 1997; Ansay 1999; Blomberg et al 1993; Church & Dunstan 1997; Doherty 1995; Gibbs & King 2003b; Heggie 1999; Whitfield 1997). It seems that co-residing family members have elected these three areas of assistance, because they are uniquely placed to offer their assistance in them and these are considered to be mostly demanding by the detainees.

Limited Movement

Limited movement is the most stringent condition of home detention. It means that detainees are confined to their homes and usually only allowed to leave their home for a limited period of time for pre-approved purposes. Pre-approved purposes include engaging in or seeking employment approved by supervising officers, attending training or other rehabilitative activities or programs, going to church (or in some Australian home detention programs for Aboriginal people, attending ceremonial business), and seeking urgent medical and dental treatment (Mitchell 1999:364; Northern Territory Government 1997:1). When they are outside their home, usually performing order requirements and activities that fulfil their basic human needs, their time is strictly limited (a time allocation is specified for all of the detainee's movements to and from the approved places; it is calculated by the authorities using the shortest possible route) (Blomberg et al 1993:191; Bonta et al 1999:9; Carlson et al 1999:162; Church & Dunstan 1997:13; Gainey et al 2000:739; Maxfield & Baumer 1990:524; Rackmill 1994:46, 48; Van Ness 1992:353).

The limitation of detainees' movements makes them particularly vulnerable. Their co-residing family members may then assume additional tasks in order to help detainees comply with the order as well as reduce the potentially negative order effects on the household (Altman & Murray 1997:31; Church & Dunstan 1997:56; Doherty 1995:130; Whitfield 1997:94). For example, Doherty (1995:138) reported that most of the 27 interviewed female spouses in British Columbia (Canada) assumed additional tasks and responsibilities as a result of residing with a detainee. These tasks primarily include running detainee's errands which they were not able to undertake within the order's allocated time-

slots (Church & Dunstan 1997:56). Similarly, they may elect to perform general duties outside of home such as shopping, paying of bills and picking up laundry (Gibbs & King 2003a:10, 2003b:206; Payne & Gainey 1998:158). If detainees have children, co-residing family members, usually female spouses, seem to take the responsibility for organising and orchestrating children's schooling and recreational activities outside of the home. These additional child-rearing responsibilities are likely to be performed by female spouses as home detention programs usually do not have an out-of-home time allocation for 'family responsibilities' (Altman & Murray 1997:31; Ansay & Benveneste 1999:128; Doherty 1995:138; Gibbs & King 2003a:9). In addition, co-residing family members, particularly female spouses or mothers, often have the responsibility for driving detainees to treatment and counselling centers, community work and/or employment in order for them to fulfil their order requirements (Ansay 1999:217; Gibbs & King 2003b:206).

Further, it appears that along with these additional obligations, many co-residing female spouses 'assume or feel greater responsibility' to perform household responsibilities (Doherty 1995:138). Numerous studies have reported these responsibilities to comprise of keeping the home tidy as the supervising officer can come at any time, and providing hospitality and preparing food as family members and friends are more likely to visit (see Church & Dunstan 1997:56; Doherty 1995:138; George 2006:86). This over-burden of co-residing family members' time through performance of additional activities may result in them curtailing their own social lives (Gibbs & King 2003a:10). This can lead to them feeling frustration, resentment and alienation from their social support network (Doherty 1995:133-138; Whitfield 1997:94).

Monetary Order Obligations

Another stringent condition of home detention is the imposition of various monetary obligations on home detainees. They are required to principally support their basic human needs including maintaining a 'suitable residence' (Ansay 1999:30; Ball et al 1988:91; Baumer & Mendelsohn 1990:219-221; Van Ness 1992:353). Moreover, they must comply with specific monetary order requirements; these include paying for maintenance of phone and electricity and paying to travel to various order requirements such as rehabilitative treatment and community work (Carlson et al 1999:163; Gainey et al 2000:739; Maxfield & Baumer 1990:530; Micucci et al 1997:5). In most jurisdictions of the United States home detainees are also obligated to contribute to their own supervision cost. Additionally in some jurisdictions they are required to pay for urinalysis, breathalyser or blood specimen tests as well as make specific victim restitution payments (Blomberg et al 1993:191; Fulton & Stone 1992:82; Gainey et al 2000:739; Whitfield 1997:32).

In order to further lessen the negative impacts that detainees experience on home detention, their co-residing family members may feel responsible to financially assist them by contributing to monetary obligations that are associated with home detention. Various studies have reported that in order to financially assist the detainee, co-residing family members may jointly re-channel the household budget and/or sacrifice their previous spending patterns (see Ansay 1999:165; Blomberg et al 1993:191-192; Doherty 1995:136; Gibbs & King 2003a:10; Van Ness 1992:353). For example, Heggie (1999:7, 75), interviewed over 122 home detainees and their co-residents in Sydney (Australia) and found that 'most families thought that there were marked differences in their spending' patterns on home detention. They specifically reported that there was decreased expenditure on relatively expensive goods and services such as social activities outside the home, take-away foods, personal items, drugs and/or alcohol, and an increased expenditure on relatively cheaper goods and services that included groceries, home entertainment and

phone bills (Heggie 1999:75). Where financial stresses were prevalent and exacerbated by home detention's stringent monetary obligations, co-residing family members were likely to undertake additional work commitments (Whitfield 1997:94).

Exposure to Temptations

Home detainees are continuously exposed to various temptations as they are surrounded by unconstrained individuals. Detainees are often tempted to leave their home and/or return to previous lifestyles that may have involved drug use and/or alcohol consumption, and/or other behaviours that do not comply with order conditions, particularly those that enforce a 'pro-social lifestyle'⁸ (Church & Dunstan 1997:31; Dodgson et al 2001:vii; Heggie 1999:73; Maidment 2002:57; Meyer 2004:119-119; Van Ness 1992:353; Whitfield 2001:39).

Besides providing the detainee with practical help and financial assistance, co-residing family members may also feel responsible to somewhat reduce the detainee's temptation of leaving the household by modifying their own lifestyles. Various studies have reported that co-residing family members, particularly female spouses, are likely to purposely restrict their social life outside the immediate family (see Ansay 1999:155, 162; Blomberg et al 1993:192; Gibbs & King 2003a:10, 2003b:206). A supervising officer encapsulated this as 'when one cannot go they all stay home' (Ansay & Benveneste 1999:129-130). Further research on the reasons for the curtailment of co-residents' social activities was conducted by Doherty (1995:136) who interviewed 27 co-residing female spouses in British Columbia (Canada). She found that some curtailed their movements because they felt guilty about going out on their own, and that a few remained at home because the detainees got upset when they went out without them. Such restriction of social contacts at times resulted in co-residing family members feeling disappointed, annoyed or frustrated (Doherty 1995:133-138). Particularly problematic was that many female spouses stated that they had reduced the amount of contact with people who provided them with a network of social support (Doherty 1995:138). This support is vital for co-residing family members as they deal with the challenges that the order imposes on the family and the home environment.

Moreover, co-residing family members may employ various changes in the domestic sphere in order to increase the detainee's comfort. For example, Ansay, who conducted over 50 interviews with detainees and their co-residents in Florida (United States) found that 'in one form or another, all family members produced accounts of a social world that had changed drastically to accommodate the restrictions placed on the [detainee]' (1999:80, 153). She specifically reported that parents were likely to purchase 'material components of leisure pastimes (i.e., computers, VCRs)' in order to ensure that their son or daughter remained in the household (1999:217).

Co-residing family members may feel responsible to further encourage the detainee to resist various temptations by themselves adopting a drug and alcohol free lifestyle. Interviews with home detainees and their co-residents in Sydney (Australia) revealed that the 'pressure placed on family to refrain from using drugs/alcohol [led] to an overall decrease in consumption' (Heggie 1999:74-75). Moreover, some co-residing family members abstain from the use of alcohol and undertake rehabilitative treatment programs

8 A 'pro-social lifestyle', apart from requiring law-abiding behaviour, usually involves working, looking for work or undertaking educational training, abstaining from drug and alcohol consumption, attending rehabilitative treatment programs, and limiting association to people without a criminal record (Ansay 1999:28; Ansay & Benveneste 1999:123; Blomberg et al 1993:191; Carlson et al 1999:162; Church & Dunstan 1997:13; Gainey et al 2000:739-740; Heggie 1999:43; Micucci et al 1997:5; Van Ness 1992:355).

because certain home detention programs (such as that in Florida) do not allow alcohol in the detainee's home and encourage detainees' spouses to voluntarily participate in treatment programs (Ansary 1999:168; Blomberg et al 1993:193). In various ways, co-residing family members may encourage the detainee to endure home confinement and embrace a pro-social lifestyle, therefore, reducing the likelihood that the detainee will relapse to their previous offending behaviour.

Indirectly Applied Facilitating Control Factors

The principal facilitating control factor is usually the electronically monitored equipment which consists of an electronic bracelet or anklet (worn by the detainee) that emits a signal that is picked up by a special unit installed at the detainee's home. This unit sends radio-frequency signals to the central monitoring computer (Renzema 1992:44). Detainees are also controlled by supervising officers who can, at any time, phone or visit them, check the operation of the electronic monitoring equipment, test them for drug/alcohol use and search their homes for illegal substances (Ansary 1999:204; Ball et al 1988:90; Blomberg et al 1993:191; Church & Dunstan 1997:13-14; Heggie 1999:4-5; Rackmill 1994:49; Van Ness 1992:353-355; Whitfield 1997: 32).

The fact that surveillance strategies are applied within the boundaries of 'family time and space' may disturb all in the household (Ansary 1999:204). Ansary (1999:80, 204) found that co-residing family members were likely to adhere to the demanding discipline of home detention even though this resulted in them feeling disrupted. Church and Dunstan's (1997:55) findings similarly revealed that nearly all of the 31 home detention sponsors/co-residents⁹ that they interviewed in New Zealand felt that the monitoring regime was 'stressful'.

More specifically, co-residing family members often view late night calls as disturbing. This was evident in a study by Baumer and Mendelsohn (1990:82) who interviewed 154 detainees in Indiana (United States) about their co-residents' complaints. They reported that co-residents classified late-night calls as the 'most upsetting' aspect of control mechanisms. Other studies have similarly shown that late night calls were likely to be viewed as disruptive as they woke children, elderly or ill members of the household (Church & Dunstan 1997:57; Heggie 1999:70). Church & Dunstan's (1997:57) findings particularly indicated that co-residing family members complained about having to cope with their own as well as the detainee's tiredness and irritability when they had interrupted sleep. Most interviewees also reported being restricted in their phone use so that monitoring calls could reach the detainee. All families with children felt that they needed to be vigilant to ensure that children in the household did not play with the phone and the installed monitoring unit (Church & Dunstan 1997:57).

Apart from having to deal with their own pressures of home detention's surveillance mechanisms, co-residing family members may also endure the effects of detainees' monitoring stresses. Almost 10 per cent of the interviewed co-residing family members indicated that the strains of constant control and surveillance resulted in detainees taking their frustrations out on them (Church & Dunstan 1997:56). The disturbance of home environment may therefore contribute to increased tension within the family that can result in family conflict (Heggie 1999:69-70; King & Gibbs 2003:9; Lilly et al 1993:479; Whitfield 2001:82).

9 Sponsor is the word used in the New Zealand home detention program to describe a detainee's co-residing family member who provides them with the greatest support while on home detention (Church & Dunstan 1997:23).

Feeling Embarrassed as a Result of Residing with a Detainee

Co-residing family members may feel embarrassed and try to hide the detainee's order status whenever possible. Even when co-residing family members want to disclose the detainee's order status to their neighbours, friends and extended family members they may feel uncertain about how to explain it (Richardson 1999:168). Doherty's (1995:135-136) study in British Columbia (Canada), where 27 co-residing spouses were interviewed, indicated that some were reluctant to tell others that they were residing with a detainee. Research by Church and Dunstan (1997:56) had similar findings, with a few co-residents out of the 31 that they had interviewed in New Zealand indicating that they withdrew from their community in order to conceal the detainee's order status. Avoidance of 'others' knowing about the detainee's order status, and feeling apprehensive about home visitors seeing the installed monitoring equipment and witnessing the application of the stringent control measures, can be attributed to co-residents feeling a sense of embarrassment (Church & Dunstan 1997:56; Doherty 1995:136). This is problematic as some co-residents could therefore feel isolated and alienated.

Perceived Relocation of Governmental Control into Private Homes

The imposition of home detention can be viewed as a relocation of surveillance and control from the government sphere into the private home (Leigh et al 1997:91). Various studies have reported that adult siblings and parents of young and unmarried detainees are likely to view this imposition to control the detainee as a burden of responsibility (see Ansay 1999:172; Gibbs & King 2003b:206; Lobley & Smith 2000:24-25, 39; Smith 2001:207). Detainees' parents typically complain about being unpaid wardens (Church & Dunstan 1997:57; Lobley & Smith 2000:24, 39), jailers and generally acting as surveillance agents (Gibbs & King 2003b:206). Gibbs and King (2003b:206), in their interviews with 21 sponsors/co-residents, reported that 'sponsors and family members felt the weight of expectation placed upon them by Prison Board members and probation officers'. This perceived need to informally supervise the detainee was explained by one parent in the following way: 'I've got complete control over my son at the moment. My situation is probably different from other people. And I'm a very firm person and I'm making sure that everything has been done. I'm being like the prison officer' (Gibbs & King 2003b:206).

For some parents assuming responsibility for controlling the detainee is particularly difficult. Parents may therefore develop tactics to ensure that the order restrictions are adhered to by the detainee. One parent highlighted the following strategy: 'in order to ensure that her son was in the house for the start of his restriction period she would go out and look for him when the start time [of the curfew] was approaching' (Lobley & Smith 2000:25).

This perceived family responsibility to informally supervise the detainee may result in stress and anxiety (see Aungles 2004:69; Gibbs & King 2003b:208; Richardson 1999:168) that is 'marked by feelings of fear, resentment, worry and guilt' (Ansay 1999:162).

'Under-Duress' Social Interaction in the Household

As detainees are confined to their homes 'under-duress' social interaction between them and their co-residing family members may occur. Research has indicated that despite the fact that most co-residing family members and detainees attempt to support one another, home detention can create a 'pressure cooker' environment at home (see Ansay 1999:166, 182, 216-217; Maidment 2002:58-60; Payne & Gainey 1998:157). Ansay (1999:166), a

leading theorist on the impact of home detention inside the domestic environment, encapsulates this point:

The scenes of domestic tranquility are replaced by disorder as members talk about life in the present. Interpersonal roles are constructed as "burdensome", "frustrating," "stressful". Life is no longer predictable. It is "hard". Under these circumstances, the complexities surrounding every day routines merge and swell to challenge not only member roles but the meaning of the relationship itself.

This may be attributed to home detention's 'shifts [in] the usual roles within the family dynamic' (Heggie 1999:70). The change in domestic roles may mean that the co-residing family members, particularly female spouses, must instantly adjust to the detainee being confined to their home and disrupting various family routines including child rearing, house keeping and cooking (Blomberg et al 1993:192; Gainey et al 2000:749; Heggie 1999:70; Payne & Gainey 1998:158). Moreover, co-residing family members and the detainee may have to adapt to each other under different circumstances and deal with 'unsolved' issues and problems encountered prior to the commencement of the order (Aungles 1994:243; Gibbs & King 2003a:10, 2003b:204; Heggie 1999:63-64; Payne & Gainey 1998:157; Church & Dunstan 1997:56). Therefore, 'under-duress' social interaction inside the home, combined with pressures of everyday life under circumstances where all feel pressure, frustration and stress, may result in social tension and conflict contributing to disputes and intensifying strains in relationships (Blomberg et al 1993:190-192; Gibbs & King 2003a:9; Heggie 1999:69-70; Meyer 2004:118-119; Paterson 2006:2-3; Smith 2001:207, 211).

Eventual Beneficial Effects Associated with Home Detention

Although the abovementioned intrusions and responsibilities resulting from the five distinct onerous effects are likely to place diverse pressures on co-residing family members, some of them seem to eventually regard the stringent conditions that are imposed on detainees as beneficial opportunities for detainees to change their criminally oriented lifestyles (Roberts 2004:115). The principal positive effect is that home detention's basic requirements mean that detainees must genuinely adopt a pro-social lifestyle which includes remaining drug and alcohol free, undergoing relevant rehabilitative treatment, and being employed (Doherty 1995:137). Co-residing family members, particularly female spouses, are likely to view this as positive. Some report that for the first time in their marriages the detainees are employed on a continuous basis and therefore bring home pay cheques (Blomberg et al 1993:192). Regular employment, combined with the household's united financial approach during home detention (providing that the order has no excessively stringent monetary requirements such as detainees' contribution to supervision fees and payment of victim restitution) in some cases can result in a stabilisation and even increase in household income (Church & Dunstan 1997:57-58; Dick, Guthrie & Snyder 1986:1; Heggie 1999:63).

The immediate adoption of a pro-social lifestyle may also lead to co-residing family members, particularly female spouses, reporting improved family relations. Studies have reported that as a result of the detainee spending an increased amount of time at home, the relationship between the co-residing family members and the detainee ultimately improves, bonding between the detainee and their children increases, and co-residents receive help in household chores (see Church & Dunstan 1997:55; Doherty 1995:134; Gibbs & King 2003a:11; Heggie 1999:63; King & Gibbs 2003:121; Lobley & Smith 2000:25). Witnessing these beneficial results as the detainee progresses through the order with their assistance is likely to make co-residing family members feel rewarded and view home detention as a positive sanction. Thus, as the detainee establishes a pro-social lifestyle and their relationship with their co-residing family members improves, their co-residents are more

likely to persist with the various intrusions and responsibilities that the order indirectly imposes on them.

Families are more likely to experience eventual beneficial effects if the order is of optimal duration and if family relations are supportive. Research has indicated that in order for detainees to build sustainable habits needed for a pro-social and family-oriented lifestyle, the home detention order should be longer than three months¹⁰ (see Renzema 1992:49; Roberts 2004:106). While early research by Renzema and Skelton (1990 cited in Renzema 1992:49), based on a random sample of 40 jurisdictions across the United States, reported that the mean duration of detainees' sentences was only 79 days, more recent research has indicated that most detainees spend between three months to six months on home detention (Church & Dunstan 1997:20; Heggie 1997:36; Melbourne Centre for Criminological Research and Evaluation for the Corrections Victoria 2006:4). In addition, eventual positive effects are more likely if the detainee was incarcerated for a relatively short period of time prior to home detention and their household relationships had not been severed (Church & Dunstan 1997:55; Lobley & Smith 2000:1, 26).

Recommendations

A plethora of research has shown that varied support should be provided to co-residing family members who often perform the untrained and unpaid roles of prison officers and social workers (Angles 1995:36-37; George 2006:86; Gibbs & King 2003b:208). Further research examining structural issues and problems that are faced by detainees' co-residing family members, who are usually women, and incorporating criminological and feminist theories, seems imperative. While a myriad of recommendations can be suggested to ease the burden and stress that home detention invariably places upon co-residing family members, the following are regarded as essential.

- Prior to signing the written 'contract' agreements for the home detention order to be applied, co-residing family members should be provided with a comprehensive resource kit which provides them with clear and realistic explanations about the potential impact of the sanction on them and their household relationships (Melbourne Centre for Criminological Research and Evaluation 2006:10; Whitfield 2001:83-84). In addition, co-residing family members should be made aware of the possible pitfalls that can be associated with home detention.
- Criminal justice agencies should also provide detainees and their co-residing family members with a support network that could help them in dealing with matters such as domestic issues, financial assistance and childcare. This support could be provided by appropriate professionals (Doherty 1995:138; Gibbs & King 2003b:208) or carefully selected volunteers (King & Gibbs 2003:123).
- Detainees should be provided with an ongoing option to serve their sentence of home detention in alternative accommodation such as the innovative surrogate home scheme in the United States (for more information see Enos et al 1999:214; Melbourne Centre for Criminological Research and Evaluation 2006:89).
- The conditions of home detention should be set up in a way that reduces the burden of home detention on the co-residing family members. This means that the sanction should allow detainees to undertake 'a healthy balance of personal activities and [have a] wider involvement outside the home' (Whitfield 1997:64).

10 However, at the same time it should not be too long and without phases as that can lead to 'cabin fever' (Rackmill 1994:48) and therefore have detrimental effects on the household (see above 'Key determinants of impact of home detention on detainees' re-residing family members').

- The impact of home based control and surveillance should be minimised to reduce its intrusiveness. The technological developments¹¹ should allow families to escape the unnecessary intrusion whilst controlling detainees in discerning, less intrusive ways in accordance with civil liberties and social values (Padgett et al 2006:86; Whitfield 2001:87).

These initiatives would reduce varied and indirect pressures that are placed on the co-residing family members, providing them with more quality time for re-building their relationship with the detainee as well as for themselves. These would also result in co-residing family members being better informed about how to deal with complex issues that are associated with residing with a detainee.

Conclusion

Home detention has traditionally been portrayed as 'slap on the wrist punishment' with its most positive element being that detainees remain in close proximity to their family (Caputo 2004:118). However, it is worth considering that 'stone walls do not a prison make – nor iron bars a cage' (Lovelace 1615-1658 cited in Walker 1990:16), therefore the imposition of home detention may harmfully transform the 'sanctity of the home environment' into a prison with invisible bars.

As ordinary homes are increasingly being converted into forms of correctional facilities where strictly imposed stringent conditions are applied onto the detainees, this invariably means that detainees' co-residing family members could also be seen to be punished, albeit indirectly and unintentionally (Martinovic 2004:144). Further, home detention changes intra-familial social arrangements, as co-residing family members give up their time, leisure interests and normal activities in order to 'provide practical help, surveillance and monitoring, accommodation, financial assistance and emotional support' (Gibbs & King 2003a:9). Co-residing family members are simultaneously likely to view the various intrusions and responsibilities that the order imposes on them as permissible due to an awareness that family support is a crucial factor in the detainee's ability to cope with the order (Mortimer 2001:3). The success of the surrogate prisons in which 'the family domain becomes the site of containment' seems to therefore 'depend on the expansion of the unpaid emotional labour of domestic life' (Aungles 1995:37, 66). Therefore, detainees' co-residing family members should be recognised as an integral part of the success of home detention programs; they should be provided with sufficient information about their role and function within home detention and where feasible and necessary linked into services and networks as the need arises.

11 An example of a less intrusive technological development is the use of a portable monitoring unit to pick up the radio signals generated by the offender's transmitter as opposed to face-to-face observations. Another example is the reliance on continuous electronic monitoring technology which constantly indicates detainees' presence/absence at a location, instead of passive electronic monitoring technology which relies on computer generated random phone calls to determine detainees' whereabouts (Altman & Murray 1997:31; Courtright 2002:611).

References

- Altman, R & Murray, R (1997) 'Home confinement: a '90s approach to community supervision', *Federal Probation*, vol 61, pp 30-32.
- Ansary, S (1999) *When home is a prison cell: the social construction of compliance in house arrest*, unpublished PhD thesis, University of Florida, United States.
- Ansary, S & Benveneste, D (1999) 'Equal application or unequal treatment: Practical outcomes for women on Community Control in Florida', *Women and Criminal Justice*, vol 10, no 3, pp 121-135.
- Aungles, A (1994) *The prison and the home: A study of the relationship between domesticity and penalty*, Sydney Institute of Criminology, Australia.
- Aungles, A (1995) 'Three bedroomed prisons in the Asia Pacific region: home imprisonment and electronic surveillance in Australia, Hawaii, and Singapore', *Just Policy*, vol 2, pp 32-37.
- Ball, R Huff, C & Lilly, J (1988) *House arrest and correctional policy: doing time at home: studies in Crime, Law and Justice*, Sage publications, United States.
- Ball, R & Lilly, R (1986) 'A theoretical examination of home incarceration', *Federal Probation*, vol L, no 1, pp 17-24.
- Baumer, T & Mendelsohn, R (1990) *Final report: The electronic monitoring of non-violent convicted felons: an experiment in home detention*, National Institute of Justice, United States.
- Blomberg, T, Bales, W & Reed, K (1993) 'Intermediate punishment: redistributing or extending social control?', *Crime Law and Social Change*, vol 19, no 2, pp 187-201.
- Bonta, J, Rooney, J & Wallace-Capretta, S (1999) *Electronic monitoring in Canada*, Public works and government services, Canada.
- Caputo, G (2004) *Intermediate sanctions in corrections*, University of North Texas Press, United States.
- Carlson, N, Hess, K & Orthmann, C (1999) *Corrections in the 21st century*, West/Wadsworth Publishing, United States.
- Champion, D (1996) *Probation, parole and community corrections*, 2nd edn, Prentice Hall, United States.
- Church, A & Dunstan, S (1997) *Home detention: The evaluation of the home detention pilot program 1995-1997*, Ministry of Justice, New Zealand.
- Courtright, K (2002) 'Electronic monitoring', in Levinson, D (ed) *Encyclopedia of crime and punishment*, Sage Publications, United States.
- Cromwell, P, Alarid, L & del Carmen, R (2005) *Community based corrections*, 6th edn, Thompson Wadsworth Publishing, United States.
- Dick, B Guthrie, D & Snyder, W (1986) *Home Detention Program: Evaluation Report*, University of Queensland, Australia.

- Dodgson, K, Goodwin, P, Howard, P, Llewellyn-Thomas, S, Mortimer, E, Russell, N & Weiner, M (2001) *Home Office research study 222 – electronic monitoring of released prisoners: An evaluation of the home detention curfew scheme*, Home Office Research, England.
- Doherty, D (1995) 'Impressions of the impact of the electronic monitoring program on the family', in Schulz, K (ed) *Electronic monitoring and corrections: The policy, the operation, the research*, Simon Fraser University, Canada.
- Enos, R, Holman, J & Carroll, M (1999) *Alternative sentencing: electronically monitored supervision*, 2nd edn, Wyndham Press, United States.
- Feiner, M (1987) *Home detention*, Victorian Office of Corrections, Australia.
- Fox, R (1987) 'Dr Schwitzgebel's machine revisited: Electronic monitoring of offenders', *The Australian and New Zealand Journal of Criminology*, vol 20, no 3, pp 131-147.
- Fulton, B & Stone, S (1992) 'ISP Overview: Evaluating the effectiveness of intensive supervision', *Corrections Today*, vol 58, no 8, pp 80-87.
- Gainey, R Payne, B & O'Toole, M (2000) 'The relationships between time in jail, time on electronic monitoring, and recidivism: an event history analysis of a jail-based program', *Justice Quarterly*, vol 17, no 4, pp 733-752.
- George, A (2006) 'Women and home detention: Home is where the prison is', *Current Issues in Criminal Justice*, vol 18, no 1, pp 79-91.
- Gibbs, A & King, D (2003a) 'The electronic ball and chain? the operation and impact of home detention with electronic monitoring in New Zealand', *The Australian and New Zealand Journal of Criminology*, vol 36, no 1, pp 1-17.
- Gibbs, A & King, D (2003b) 'Home detention with electronic monitoring: the New Zealand experience', *Criminal Justice*, vol 3, no 2, pp 199-211.
- Glasser, I (1974) 'Prisoners of benevolence: power versus liberty in the welfare state', in Gaylin, W et al (eds) *Doing good: the limits of benevolence*, United States.
- Heggie, K (1999) *Review of the NSW home detention scheme*, NSW Department of Corrective Services, Australia.
- Henderson, M (2006) *Benchmarking study of home detention programs in Australia and New Zealand*, National Corrections Advisory Group, Australia.
- King, D & Gibbs, A (2003) 'Is home detention in New Zealand disadvantaging women and children?', *Probation Journal*, vol 50, no 2, pp 115-126.
- Leigh, J Knaggs, P & McDowall, J (1997) 'Home detention: the overseas experience', in Church, A & Dunstan, S (eds) *Home detention: The evaluation of the home detention pilot program 1995-1997*, Ministry of Justice, New Zealand.
- Lilly, R, Ball, R, Curry, G & McMullen, J (1993) 'Electronic monitoring of the drunk driver: a seven year study of the home confinement alternative', *Crime and Delinquency Journal*, vol 39, no 4, pp 462-484.

- Lilly, R & Nellis, M (2001) 'Home detention curfew and the future of electronic monitoring', *Prison Service Journal*, no 135, pp 59-69.
- Lobley, D & Smith, D (2000) *Evaluation of electronically monitored restriction of liberty orders*, Scottish Executive – Central Research Unit, Scotland.
- Maidment, M (2002) 'Toward a "woman centered" approach to community based sanctions: A gendered analysis of electronic monitoring in Eastern Canada', *Women and criminal justice*, vol 13, no 4, pp 47-68.
- Mainprize, S (1995) 'Social, psychological, and familial impacts of home confinement and electronic monitoring: exploratory research findings from B.C.'s Pilot Project', in Schulz, K (ed) *Electronic monitoring and corrections: the policy, the operation, the research*, Simon Fraser University, Canada.
- Mair, G (2006) 'Electronic monitoring, effectiveness and public policy', *Criminology and public policy*, vol 5, no 1, pp 57-60.
- Martinović, M (2002) 'Electronically monitored community based programs', *Proceedings Probation and Community Corrections: Making the community safer Conference*, Perth, Australia, Australian Institute of Criminology Website.
- Martinovic, M (2004) *The complexity of punitiveness of electronically monitored community based sanctions*, Master Thesis, RMIT University, Australia.
- Martinovic, M (2006) 'Offenders' personal and social characteristics as determinants of punitiveness on home detention', *Proceedings Hawaii International Conference on Social Sciences*, Honolulu, United States.
- Maxfield, M & Baumer, T (1990) 'Home detention with electronic monitoring: comparing pretrial and postconviction programs', *Crime and Delinquency*, vol 36, no 4, pp 521-536.
- Melbourne Centre for Criminological Research and Evaluation (2006) *Home detention in Victoria: Final evaluation report*, Department of Justice, Australia.
- Meyer, J (2004) 'Home confinement with electronic monitoring', in Caputo, G (ed) *Intermediate sanctions in corrections*, University of North Texas Press, United States.
- Micucci, A, Maidment, D & Gomme, I (1997) 'Cleaner than I ever was: the experiences of female offenders in a monitored correctional release program in Eastern Canada', *The Journal of Offender Monitoring*, vol 10, no 2, pp 1-10.
- Mitchell, K (1999) 'Home detention: reviews a controversial development in penal policy', *New Zealand Law Journal*, pp 363-366.
- Morris, N & Tonry, M (1990) *Between prison and probation: Intermediate punishments in a rational sentencing system*, Oxford University Press, United States.
- Mortimer, E (2001) 'Electronic monitoring of released prisoners: An evaluation of the Home Detention Curfew Scheme', *Home Office Findings No 139*, Tabs, United Kingdom.
- New Zealand Department of Corrections (2000) *Home detention*, New Zealand Department of Corrections, New Zealand.

Northern Territory Government (1997) *Southern Region Training Module No 14 – Home Detention*, Northern Territory Government, Australia.

Padgett, K Bales, W & Blomberg, T (2006) 'Under surveillance: An empirical test of the effectiveness and consequences of electronic monitoring', *Criminology and public policy*, vol 5, no 1, pp 61-92.

Paterson, C (2006) 'Street-level surveillance: human agency and the electronic monitoring of offenders', *Proceedings Crime, Justice and Surveillance Conference*, Sheffield, United Kingdom.

Payne, B & Gainey, R (1998) 'A qualitative assessment of the pains experienced on electronic monitoring', *International Journal of Offender Therapy*, vol 42, no 2, pp 149-163.

Rackmill, S (1994) 'An analysis of home confinement as a sanction', *Federal Probation*, vol 58, pp 45-52.

Renzema, M (1992) 'Home confinement programs: development, implementation and impact', in Byrne, J, Lurigio, A & Petersilia, J (ed) *Smart sentencing: the emergence of intermediate sanctions*, United States, Sage Publications.

Richardson, F (1999) 'Electronic tagging of offenders: Trials in England', *The Howard Journal*, vol 38, no 2, pp 158-172.

Roberts, J (2004) *The virtual prison community custody and the evolution of imprisonment*, Cambridge University Press, United States.

Schulz, K (ed) (1995) *Electronic monitoring and corrections: The policy, the operation, the research*, Simon Fraser University, Canada.

Smith, D (2001) 'Electronic monitoring of offenders: The Scottish experience', *International Journal of Policy and Practice - Criminal Justice*, vol 1, no 2, pp 201-214.

Steering Committee for the Review of Government Service Provision (2006) *Report on Government Services*, Government Printers, Australia.

Van Ness, S (1992) 'Intensive probation versus prison outcomes in Indiana: who could benefit?', *Journal of Contemporary Criminal Justice*, vol 8, no 4, pp 351-364.

Von Hirsch, A (1990) 'The ethics of community-based sanctions', *Crime and Delinquency*, vol 36, no 1, pp 162-173.

Walker, J (1990) 'Sharing the credit, sharing the blame: Managing political risks in electronically monitored house arrest', *Federal Probation*, vol 54, no 3, pp 16-20.

Whitehead, J (1992) 'Control and the use of technology in community supervision', in Benekos, P & Merlo, A (eds) *Corrections: dilemmas and directions*, Anderson publishing, United States.

Whitfield, D (1997) *Tackling the tag*, Waterside Press, United Kingdom.

Whitfield, D (2001) *The magic bracelet: technology and offender supervision*, Waterside Press, United Kingdom.