

**AUDITOR-GENERAL'S REPORT
PERFORMANCE AUDIT**

**Home Detention
Corrective Services NSW**



The Legislative Assembly
Parliament House
SYDNEY NSW 2000

The Legislative Council
Parliament House
SYDNEY NSW 2000

In accordance with section 38E of the *Public Finance and Audit Act 1983*,
I present a report titled **Home Detention: Corrective Services NSW**.

A handwritten signature in black ink that reads 'Peter Achterstraat'.

Peter Achterstraat
Auditor-General

Sydney
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Foreword

Home detention is a sentencing option that judges and magistrates can impose on less serious offenders instead of sending them to fulltime imprisonment.

Detaining offenders in their homes keeps suitable offenders out of prison and away from hardened criminals. It also helps them to maintain family and community links and get treatment for the problems that led to their offending.

Home detention was introduced in NSW in 1997 and has been available in the Sydney metropolitan, Newcastle and Wollongong areas. In 2008-09 the daily average number of offenders on home detention was about 175.

This report looks at how well home detention is delivered across NSW by Corrective Services NSW, focusing on the critical areas of access, consistency and cost effectiveness.

Over the past 13 years several reports have identified the social and monetary benefits of home detention and recommended an expansion of the program.

I am pleased to report that this is now going to occur, with Corrective Services NSW now promoting the program in several regional areas in NSW, and planning to expand its delivery further.

Peter Achterstraat
Auditor-General

September 2010

Executive summary

Background

Home detention was introduced as a way to punish less serious offenders by depriving them of their liberty, while still allowing them to maintain family and community ties, employment and access to community services.

It is the sentencing magistrate or judge who decides if an offender can be placed on home detention.

The program is administered by Corrective Services NSW Community Compliance Group (CCG). Offenders sentenced to home detention are subject to extensive conditions and need to be intensively supervised.

From its introduction in 1997, the home detention program aimed to:

- divert less serious offenders from fulltime imprisonment
- maintain a high level of control over offenders on the program
- be a cost effective alternative to fulltime imprisonment
- reduce the risk of future offending behaviour through rehabilitation.

For home detention to be effective in delivering these outcomes it must be managed well.

Corrective Services NSW has developed guidelines for participating CCG offices to use in delivering home detention. In this audit we assessed how well home detention is delivered across NSW by Corrective Services NSW. We examined whether:

- home detention is available across NSW
- home detention is delivered consistently
- the costs of home detention in NSW are less than fulltime imprisonment
- the majority of home detainees complete the sentence
- the majority of home detainees do not reoffend within two years of release.

Audit conclusion

Home detention could be a very beneficial program. It keeps less serious offenders out of fulltime imprisonment, thus keeping them away from the influence and actions of hardened criminals.

Results show that most offenders on the program complete it but there is room to improve access to the program and the way it is delivered. We also found the majority of offenders who complete home detention do not reoffend within two years of release. Home detention is cost effective when compared to fulltime imprisonment but this impact has reduced over time as participation has decreased.

Supporting findings

Today very few offenders are sentenced to home detention. In 2008-2009, the daily average number of people on home detention was 175. And the number has declined by almost one quarter since 2002-03. Many eligible offenders could be on home detention rather than in prison if the barriers to access were removed.

Four reviews of the program over the past decade have recommended it be expanded, but this has not happened. Home detention has only been available in the Sydney metropolitan area, Newcastle and Wollongong. About 100 Local Courts in NSW have not had access to home detention.

Corrective Services NSW advises that it has begun promoting home detention in Grafton, Bathurst and Dubbo CCG offices.

Access to home detention also depends upon the willingness of judges and magistrates to use it. We found its use as a sentencing option by the courts fluctuates. For example in 2008-09, only 35 out of 47 Local Courts with access to home detention referred offenders for home detention assessment.

The delivery of the program also poses barriers to access. CCG officers assess offenders suitability for home detention. The offender assessment process is not always consistent. There are also some limitations due to existing monitoring technology not functioning in some locations.

The number of offenders being assessed as unsuitable for home detention is increasing. Over the last three years about 40 per cent of offenders have been assessed as unsuitable. Some CCG offices assess about 30 per cent of the referrals they receive as unsuitable and others more than 50 per cent.

We found the overall supervision of offenders has fluctuated. Although there have been some recent improvements, the minimum standards set for supervisory visits to offenders are not always met. This increases the risk of not identifying offenders who are not complying with some of the conditions of their home detention.

Based on their risk assessment, each offender's case plan should indicate if drug and alcohol testing is required, and if so how often. These case plan objectives for testing are not always met. This also increases the risk that offenders may be breaching their home detention conditions and not being detected.

The conditions of home detention are stringent. The guidelines require every breach of a home detention condition to have a response. However we found there were differences between CCG offices in how they managed breaches. This could mean that offenders across the program are not treated equitably.

Between July 2009 and March 2010, seven home detainees had reoffended. Their offences included driving while disqualified and drug charges. The rigour of the program can be improved by tightening up monitoring.

The net operating expenditure per prisoner per day on home detention is about \$47 compared to about \$187 per day for an offender in minimum/medium security imprisonment.

For a sentence of six months this would result in a saving of some \$25,000 per offender on home detention. If the average sentence for the 175 offenders on home detention in 2008-09 was six months, this represents a saving of about \$4.4 million for NSW. As more eligible offenders are put on home detention savings would increase. However this should not be at the cost of the integrity of the program.

Since the number of offenders on home detention is declining, the cost benefit of home detention has reduced over time.

The outcomes for offenders who complete their home detention sentence look good. In 2008-09 about 80 per cent of home detention sentences were completed.

About 64 per cent of offenders who completed their sentence between 2005 and 2007 had not reoffended.

Recommendations

1. Corrective Service NSW should improve access to home detention by:
 - a) making home detention available across NSW by July 2011 (page 19)
 - b) promoting the program and its availability with all NSW courts by December 2010 (page 20).
2. Corrective Services NSW should improve the administration of home detention by:
 - a) exploring with the Department of Justice and Attorney General ways to streamline referral of offenders for assessment by January 2011 (page 22)
 - b) reviewing reasons for offenders being assessed as unsuitable to identify and if possible remove common barriers by July 2011 (page 22)
 - c) establishing minimum standards in line with offender risk rating by December 2010 for:
 - field visits
 - drug and/or alcohol testing (page 24)
 - d) monitoring and ensuring compliance with minimum standards by December 2010 (page 24)
 - e) reviewing learnings from assessments, breaches, and revocations to improve consistency in the delivery of home detention by July 2011 (page 25)
 - f) undertaking regular quality assurance reviews of offender management by December 2010 (page 25)
 - g) reviewing learnings from home detention sentence completions to improve participation and completion rates by December 2010 (page 27)
 - h) including in all offender case plans by December 2010, rehabilitation, program and activity objectives and assist offenders to meet them (page 29)
 - i) reviewing compliance with case plan objectives in monthly CCG office meetings by December 2010 (page 29).

Response from Corrective Services NSW

Thank you for the opportunity to comment on the final report.

1. Corrective Services NSW should improve access to home detention by:

a) making home detention available across NSW by July 2011

The NSW Home Detention Program is in place to divert less serious offenders from full time custody through intensive community supervision.

The Home Detention Program is driven by NSW Courts. Eligibility for this program is stipulated in legislation and Magistrates may refer to the Community Compliance Group (CCG) for Home Detention Assessments state-wide. Magistrates are the final decision makers regarding the suitability and entry of offenders on Home Detention.

However it should be noted that in the past 12 months CCG have managed 524 home detainees. 480 offenders have successfully completed the Home Detention program. This is a success rate of 92% which places NSW in the top two in Australia. Since 2001 / 2002 the Home Detention revocation rate has decreased from 20% to 15%.

CCG has commenced expanding the Home Detention program across NSW.

A meeting between the Commissioner of Corrective Services NSW and the Chief Magistrate was held on 7 June 2010 where the Commissioner handed a document to the Chief Magistrate informing him that commencing immediately CCG could increase the Home Detention placements in the following locations.

Sydney Metro 50	Grafton 10
Newcastle 20	Wagga Wagga 10
Wollongong 20	Dubbo 10
Bathurst 10	

The Commissioner further informed the Chief Magistrate that commencing from November 2010 the following locations will have the capacity to supervise additional offenders on the Home Detention Program.

Goulburn 10	Tamworth 10	Broken Hill 5
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The current number of offenders on the Home Detention Program as at June 2010 is 142.

There will be an additional 155 placements for the Home Detention Program due to the expansion in the abovementioned locations. This will increase the number of offenders on the Home Detention Program to a total of approximately 300 at any time by the end of 2010.

Placements on the Home Detention Program will be expanded even further in 2011.

b) promoting the program and its availability with all NSW courts by December 2010.

CCG Senior Compliance and Monitoring Officers have been actively promoting the Home Detention program in Sydney Metropolitan Area, Newcastle Metropolitan Area, Wollongong Metropolitan Area, Bathurst, Grafton, Wagga Wagga and Dubbo.

Staff have also commenced promoting the Home Detention Program in Goulburn, Tamworth and Broken Hill.

The CCG Court Liaison Officer and Regional Senior Compliance and Monitoring Officers are currently attending various Court locations to promote the Home Detention program and provide information in regards to eligibility of offenders for the program.

This will further assist in informing Magistrates regarding the expansion, benefits and suitability of the Home Detention Program.

A Corrective Services representative will also be attending the Magistrates Conference in November 2010 to provide additional information regarding the program.

2. Corrective Services NSW should improve the administration of home detention by:

a) exploring with the Department of Justice and Attorney General ways to streamline referral of offenders for assessment by January 2011

A Home Detention Coordinator is now in place. This Home Detention Coordinator oversees the assessment process and referrals of offenders between the Courts and Community Compliance Group (CCG). This will ensure processes are consistent and streamlined as the information will be filtered through one channel.

Each CCG regional location is staffed with a minimum of one Senior Compliance and Monitoring Officer who is responsible for liaising with the Courts and clarifying the CCG's involvement in the Home Detention program.

The Home Detention Coordinator will also be assisted by the Court Liaison Officers.

By recently providing NSW Courts and Corrective Services staff with a central contact for all home detention correspondence the process has been further streamlined.

The abovementioned recommendation will be discussed by CCG staff with relevant stakeholders. In addition the Commissioner has monthly meetings with the Director General and this recommendation will be discussed at these meetings.

b) reviewing reasons for offenders being rejected as unsuitable to identify and if possible remove common barriers by July 2011

CCG Officers assess offenders for eligibility and suitability to serve a full time custodial sentence by way of Home Detention order.

The CCG is driven by the eligibility criteria for the program which is legislated to control the type of offenders placed on the program.

Offenders are found either suitable or not suitable in accordance with legislation. Offenders who have been assessed as unsuitable have demonstrated during the assessment period that they are either unable or unwilling to adhere to the stringent mandatory conditions of the Home Detention program.

Further, CCG staff are required to submit all Home Detention assessments to the Home Detention Coordinator. The Home Detention Coordinator reviews and vets all assessments prior to submission. This process ensures consistency state wide when dealing with offender suitability/unsuitability for the Home Detention Program.

This process also assists the Home Detention Coordinator in identifying trends in different regions when assessing suitability for Home Detention.

Identified trends are communicated to the appropriate CCG officers to assist in improving practices and protocols at the assessment stage.

A reporting mechanism will be devised and will be managed by the Home Detention Coordinator. This reporting mechanism will illustrate the trends identified by the Home Detention Coordinator and will assist in improved streamlining processes, maximum utilisation of resources, and the future staff development and further training requirements of Compliance and Monitoring Officers.

However, it must be noted that there will always be a large number of offenders referred by the Courts for assessment who will not be suitable for Home Detention. Example: Untreated Mental Health issues and history of violence.

It is considered cost effective to have a stringent assessment process to screen suitability for the program and eliminate offenders at that point. It is financially ineffective to manage unsuitable offenders on the home detention program as far more resources are exhausted.

- c) establishing minimum standards in line with offender risk rating by December 2010 for**
- **Field Visits**
 - **Drug and/or Alcohol testing**

In the assessment of offenders, CCG officers use an assessment tool to assess risk of re-offending. This is called the Level of Service Inventory-Revised (LSI-R). The LSI-R is an objective, quantifiable instrument that provides a consistent and valid method of predicting risk of re-offending. Given the strict eligibility guidelines imposed by the legislation, offenders referred for home detention are in most cases assessed as low risk offenders.

- *Revised Standard Operating Procedures (SOP) outline the minimum standards for drug testing for Home Detainees which include regular random urinalysis to be conducted on at least a 4-6 weekly basis for home detainees.*
- *Community Offender Sampling Team (COST) Buses - Corrective Services NSW (CSNSW) has established a fleet of mobile drug testing units for random urinalysis to be conducted which will assist in minimum standards being met.*
- *Field visits - The Home Detention Policy has been amended to reflect the revised minimum standards (Refer to table below) regarding field visits. In addition CCG SOP highlights two face to face - out of residential activity visits monthly. CCG officers undertake observations of Home Detainees to detect any potential non compliance. All CCG visits are unannounced.*
- *CCG officers conduct breath analysis on all home detainees at each unannounced home visit. SOP have been amended to reflect this practice.*

LSI-R score	Supervision level	Contacts per month	Programs	Referrals	Case management reviews
0-23	Low	8 contacts (4 face to face including at least 2 home visits and 2 out of residence activities) and 4 other contacts	Refer to relevant programs	Refer and confirm attendance with service provider	Every 6 months
24-33	Medium	12 contacts (6 face to face including at least 2 home visits and 2 out of residence activities with another 2 being H/V or out of residence activity) and 6 other contacts)	Refer to relevant programs	Refer and confirm attendance with service provider	Every 4 months
34-54	High	16 contacts (8 face to face including at least 2 home visits and 2 out of residence activities, other face to face made up of H/V and/or out of residence activity) and 8 other contacts)	Priority	Refer and regular contact with provider	Every 2 months

Since the CCG took over Home Detention there has been a lengthy and complex recruitment process. Recruitment for CCG positions has been ongoing since 2008 and the quest to reach full establishment has been challenging.

d) monitoring and ensuring compliance with minimum standards by December 2010

CCG monitor the compliance with minimum standards by the completion of monthly statistics that are collated and forwarded to the Director and Senior Compliance and Monitoring Officers State-wide.

CCG aims to comply with minimum standards as depicted in the table above (2c) by: the Home Detention Coordinator who will oversight:

- Ongoing recruitment and development of staff through Brush Farm Corrective Services Academy
- Refresher training
- Monthly case management meetings
- Efficient allocation of resources and equipment
- Regular internal audits at 3 monthly intervals
- Ongoing review of statistics and trends.

e) reviewing learnings from assessments, breaches, and revocations to improve consistency in the delivery of home detention by July 2011

The Home Detention Co-ordinator reviews all assessments and breaches prior to submission to the appropriate sentencing body.

This will improve the consistency in the delivery of reports across CCG state-wide.

The Home Detention policy has been updated to ensure consistency regarding assessments and breaches of offenders.

All offenders have individual needs and therefore stringent guidelines are not feasible in relation to assessments and breaches across the board on individual offenders who have different needs and require various types of intervention.

An individualised case management plan is designed for every offender placed on a Home Detention order. This plan considers all aspects of offenders' lives including:

- *family issues*
- *parental responsibilities*
- *employment responsibilities and opportunities*
- *social issues*
- *drug and alcohol issues*
- *health issues*
- *treatment requirements*
- *cultural and religion commitments*
- *risk of reoffending.*

For example:-

Offender 1 - an offender who uses cannabis on a recreational basis becomes violent and threatens staff; in comparison to:

Offender 2 - an offender who is employed and otherwise stable who uses cannabis recreationally however has displayed insight into their drug issues.

Offender 1 would be assessed as unsuitable as they are unable to be managed due to staff safety concerns; and offender 2 would be case managed in the first instance as they have acknowledged their issue and have demonstrated a willingness to address their offending behaviour.

An invitation was extended to the NSW Audit Team to accompany CCG staff in the field to observe the different needs and interventions of Home Detainees. However, this was declined.

In addition, the Home Detention Coordinator holds monthly management meetings to provide feedback to staff regarding all assessments and breaches.

f) undertaking regular quality assurance reviews of offender management by December 2010

The Home Detention Coordinator will visit each location on a 3 monthly basis to conduct a quality assurance review.

- *Monthly Senior Compliance & Monitoring Officer meetings*
- *Monthly Case Management Team meetings*
- *Random internal audits*
- *Monthly training sessions*
- *Home Detention Co-ordinator monthly reports.*

The "Total Quality Control" TQC has been implemented to enhance the training and development needs of each individual operator within the CCG and to streamline CCG as a Learning Business Unit within Corrective Services NSW.

This ensures that CCG Management can identify performance management needs, ensure the internal and external stakeholder expectations are being met and resource identification/ allocation of the CCG business portfolio state wide.

g) reviewing learnings from home detention sentence completions to improve participation and completion rates by December 2010

The Home Detention Coordinator will identify trends through regular audits and reviews. These trends can assist to improve participation of home detainees and may result in the increase of completion rates which is currently at 92%.

On completion of an order a completion report is compiled by CCG and forwarded to the appropriate sentencing body. From this report CCG can identify trends in completions. These trends can assist to improve participation of home detainees and may result in the increase of completion rates.

In addition to local training sessions, the CCG Home Detention Coordinator will forward learnings to the Brush Farm Corrective Services Academy to update current training programs for CCG staff.

h) including in all offender case plans by December 2010 rehabilitation, program and activity objectives and assist offenders to meet them

The CCG is responsible for the case management, supervision, activity scheduling, electronic monitoring, compliance checks and breaching when required of home detainees.

The current CCG practice is to identify criminogenic factors and addresses them through the case plan.

The CCG case manage all offenders on the Home Detention Program through:

- Internal Risk Assessment Tool - Level Service Inventory Revised (LSIR) which highlights the level of intervention to risk required. Home Detainees are regularly assessed as low risk offenders which can require minimal program intervention. However, when identified offenders are referred to relevant programs available in the community. Home Detainees are also encouraged to self refer.*
- Corrective Services NSW staff apply a "What Works" principle in determining the level of intervention required throughout the Home Detention Order.*

Research has concluded that providing intensive programs and other intervention to low-risk offenders resulted in very minimal impact and in some cases recidivism actually increased in comparison to offenders who did not participate in treatment. The risk principle also states that higher levels of service should be provided to offenders who have been assessed as having a higher risk of recidivism.

The Home Detention model aims to divert offenders from full time custody and reduce their exposure of offenders to any potentially negative influences.

Therefore not all home detainees are required to undertake programs due to their identified low risk of re-offending.

Consideration is given to an offender's offence and their history and any previous programs completed when compiling the case plan.

- Ongoing training of case management and case plans will ensure that case plan principles and objectives are adhered to. This is followed by the CCG consistently undertaking case plan reviews and caseload audits. A Case Management course commenced 16 August 2010 at Brush Farm Corrective Services Academy.*
- The Community based Psychologists attached to the CCG are also involved in the case management of home detainees. It should be noted that this is an innovation of the CCG.*

i) reviewing compliance with case plan objectives in monthly CCG office meetings by December 2010

Non-compliant Home Detainees are discussed at CCG weekly office meetings with Senior Compliance and Monitoring Officers where relevant strategies are reviewed, developed and implemented. These strategies assist the offender in adhering to the conditions of the Home Detention Order.

Compliance and Monitoring officers submit monthly case summaries to the Home Detention Coordinator for review. The summaries are reviewed by the Home Detention Coordinator and discussed at CCG monthly Home Detention office Management meetings.

(signed)

*Ron Woodham
Commissioner*

Dated: 25 August 2010

Key findings

1. What is home detention?

The hierarchy of sentencing options magistrates and judges can impose is:

- fulltime imprisonment
- home detention
- periodic detention (soon to cease) and Intensive Correction Orders (soon to start)
- community service orders
- probation.

Home detention allows suitable offenders to serve prison sentences of 18 months or less in their own homes. The home detention program is delivered by Corrective Services NSW Community Compliance Group (CCG).

Home detention is strict

Home detention conditions are strict. As well as being confined to their home unless doing approved activities they include:

- submitting to electronic monitoring
- accepting home visits at any time from a CCG officer
- not using illicit drugs or alcohol and accepting regular drug and alcohol testing
- complying with all reasonable directions of a CCG officer.

Previous reviews have acknowledged that home detention is difficult to complete. Indeed some offenders feel it is more difficult than prison.

Exhibit 1: Participating in home detention
<p>Earlier reviews spoke with home detainees who described how very restrictive and difficult home detention was, and how much self control is needed. Some comments included:</p> <p>“... it has impact on my family because my little girl asks me to take her to the park, to the beach or to the swimming pool. I cannot do that ...”</p> <p>“...I’m so grateful not to be in gaol, 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 ... I then feel really guilty and think about all she has done for me ...”</p> <p>“... I wimped out ... I couldn’t take the pressure of home detention and stay off heroin at the same time. It’s my own fault ... I deliberately busted (used heroin) so I would go to gaol ... I needed time out ...”</p>

Source: 1999 Review of the home detention scheme and 2006 Legislative Council Standing Committee on Law and Justice report.

Having a family member on home detention can bring stress and strain upon the entire family. Some protective measures are built into the program. For example:

- offenders who have been convicted of a domestic violence offence against a possible co-resident within the previous five years are not eligible
- Department of Human Services NSW records are checked to ensure that there is no reason to suspect that a child co-resident is in danger of being abused

- all proposed co-residents of the offender must give their permission for the sentence to be served in the home, and this decision can be reviewed during the sentence
- co-residents can withdraw their permission at any time.

When the program was first introduced, the legislation included a provision that the Minister continue to monitor and report each year to both Houses of Parliament on the impact of the Act on families. This provision seems to have been dropped in succeeding years.

There are criteria for eligibility Not just any offender can be sentenced to home detention. The program is targeted at less serious offenders. To be eligible the offender must not have a history of sexual, domestic violence, stalking, or drug trafficking offences.

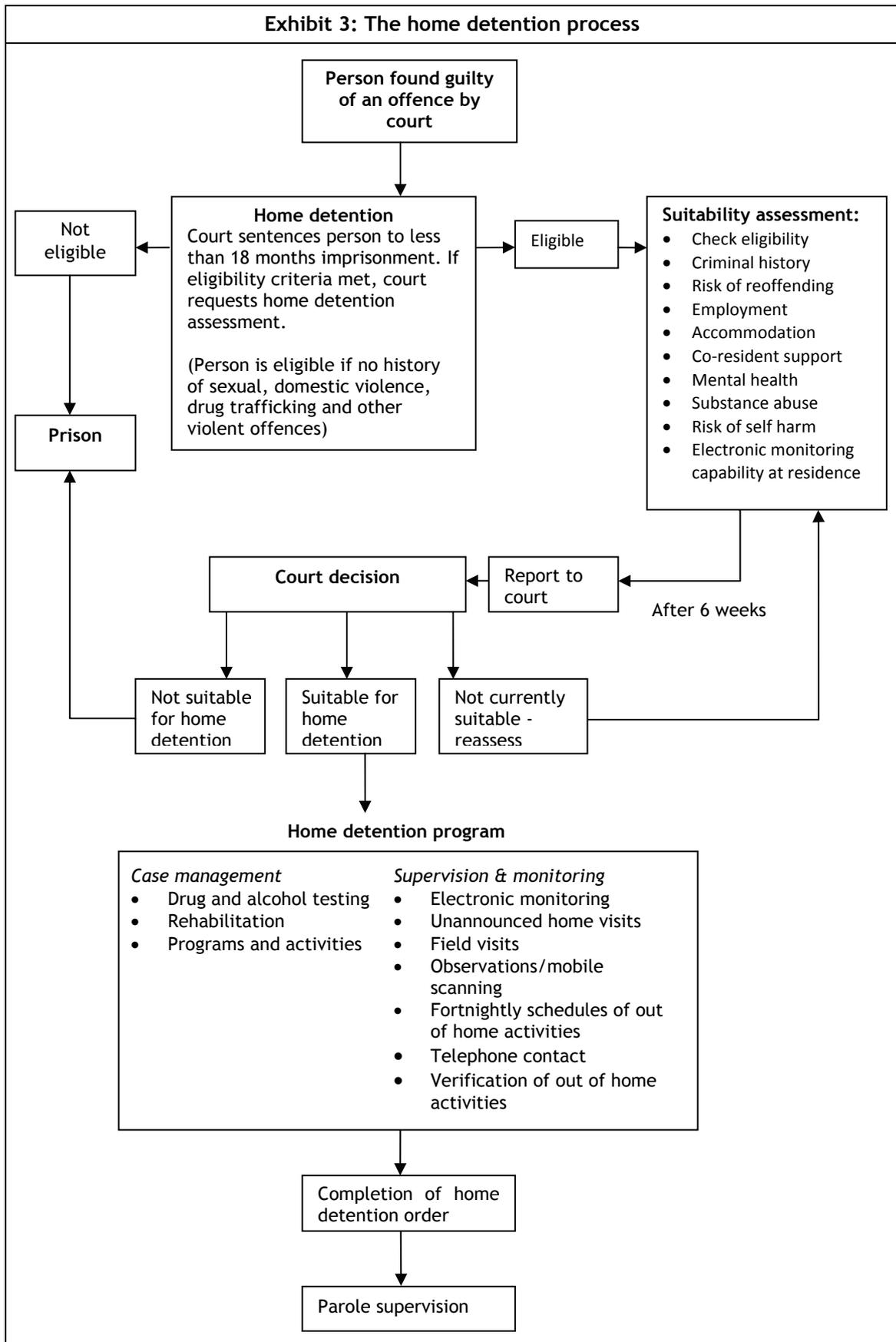
We found that over the past five years almost half of all offenders sentenced to home detention have committed road traffic and motor vehicle regulatory offences.

Exhibit 2: Most common offences receiving a sentence of home detention over the five years to June 2008		
Most common offences	Average %	Numbers
Road traffic and motor vehicle regulatory offences (e.g. driving whilst disqualified, dangerous driving occasioning grievous bodily harm, driving while under the influence of a high level of alcohol)	49%	784
Offences against justice procedures, government security and government operations	14%	218
Deception and related offences	14%	218
Theft and related offences	9%	148
Dangerous and negligent acts endangering persons	4%	61
Illicit drug offences	3%	50
Unlawful entry with intent/burglary, break and enter	3%	49
Others	4%	72

Source: NSW Bureau of Crime Statistics and Research.

There are criteria for suitability If an offender is eligible, they can then be assessed by a CCG officer to see if they are a suitable person to serve home detention.

Only a magistrate, judge or the State Parole Authority (SPA) can request an assessment of an offender's suitability for home detention. The request goes to the CCG office in the area where the offender lives.



Source: Corrective Services NSW and Audit Office Research.

If suitable, monitoring and supervision start immediately

If an offender is suitable and a home detention order is made, the sentence starts immediately. The offender signs an undertaking to meet the conditions of home detention, then leaves the court and goes straight home where the electronic monitoring equipment is installed the same day.

Offenders sentenced to home detention are monitored through an electronic anklet worn for the period of the sentence. The electronic anklet alerts a central monitoring base via a data collection unit connected to the offender's home phone. The unit detects the signal from the anklet and records all movements by the offender in their residence.

If an offender leaves or returns to their residence at unapproved times, interferes with the anklet, or if the electronic unit needs maintenance it sends an alert.

Exhibit 4: Electronic anklet and monitoring device



Source: Corrective Services NSW.

Offenders are monitored in various ways

When out of home, a mobile scanning unit can be used by CCG officers to check that offenders are where they should be.

Exhibit 5: Mobile scanning unit



Source: Corrective Services NSW.

Offenders who fail to comply with the conditions of home detention face sanctions.

Breaches are acted upon

CCG officers deal with minor breaches of home detention conditions by warning the offender, restricting their out of home activities, restricting their contact with other people or ordering the offender to perform a specific number of hours of community service work.

Offenders who commit serious or continued breaches of their conditions must be reported to the SPA. The SPA may issue the offender with a warning, monitor the offender’s progress for a period or revoke the home detention order.

As home detention is a direct alternative to a prison sentence, if a home detention order is revoked, the offender is taken into custody to serve the remainder of their sentence in prison.

2. Are there any barriers to accessing home detention?

Conclusion

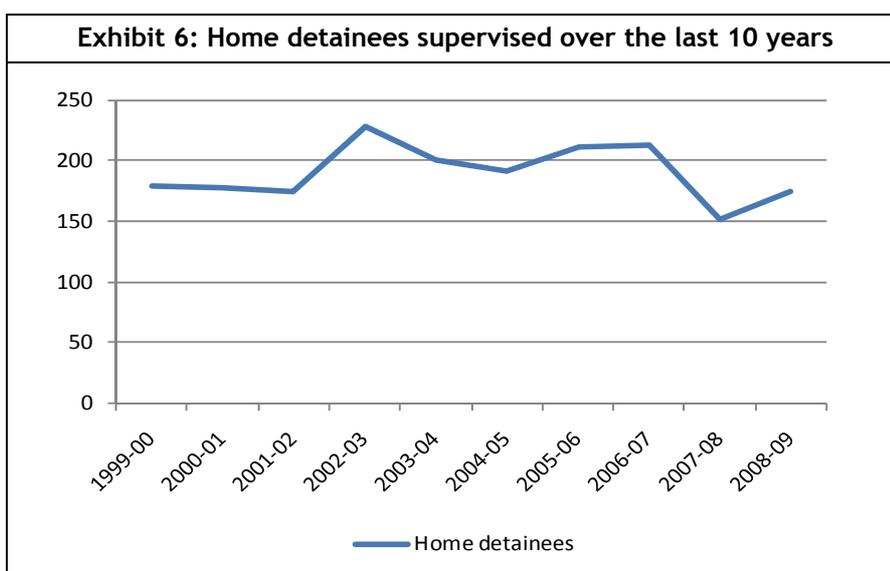
There are a number of barriers to accessing home detention. These include:

- home detention is not offered in many locations
- referrals from Local Courts fluctuate
- home detention assessment outcomes vary between CCG offices
- limitations of electronic monitoring capabilities.

We also found there is room to improve the delivery of home detention. Minimum standards for contacts are not always met and offender management is inconsistent.

Numbers on home detention are declining

The number of offenders sentenced to home detention is declining. In 2008-09 an average of 175 home detainees were under supervision at any one time. In 2002-03 it was 229. This is a decline of almost one quarter.



Source: Corrective Services NSW.

Home detention is not available across NSW

Home detention is not offered across NSW. Currently it is only available in the Sydney metropolitan area, Newcastle and Wollongong. But when it commenced in 1997 it was intended that home detention would be rolled out statewide.

Exhibit 7: Several reviews recommended expansion of home detention

Four reviews recommended expansion of home detention

A legislative review of the NSW Home Detention Scheme in May 1999 found it was only available in the Sydney metropolitan region, Hunter and Newcastle region and Illawarra and Wollongong region. But anticipated it would expand into rural and remote areas.

In July 2000 the Select Committee on the Increase in Prison Population recommended that Corrective Services NSW expedite the expansion of the home detention scheme to more offenders in NSW.

A further review of the home detention scheme by Corrective Services NSW in February 2006, found the scheme was still only available in the same three regions of NSW. It was again recommended that the scheme be expanded to other regions of NSW.

The Legislative Council Standing Committee on Law and Justice 2006 report recommended that as a matter of priority, the Government extend the availability of home detention to as many areas of NSW as possible.

Source: Audit Office research.

Since home detention is not offered statewide it is not a sentencing option available in all courts, or to all eligible offenders. This significantly affects the number of offenders who can access the scheme. It also impacts on the program's capacity to reduce the exposure of offenders to negative influences of fulltime imprisonment.

Many less serious offenders sentenced to prison outside the Sydney metropolitan, Newcastle and Wollongong areas will serve their time in fulltime imprisonment. For example in 2008, about 1,400 people were sentenced to imprisonment for road traffic and motor vehicle regulatory offences. Only 146 of these were put on home detention.

Corrective Services NSW plan to expand home detention

Corrective Services NSW tells us that home detention is becoming more widely available. Since 2007 home detention supervision has been delivered by CCG officers. Until recently CCG offices only operated in Campbelltown, Blacktown, Newcastle and Wollongong.

Since late February 2010 however Corrective Services NSW has established additional CCG offices in Wagga Wagga, Bathurst, Broken Hill, Tamworth, Grafton, Goulburn and Dubbo to manage offenders sentenced to Intensive Correction Orders (ICOs). ICOs are a new sentencing option to be introduced in NSW as periodic detention will cease. For details see Appendix 2.

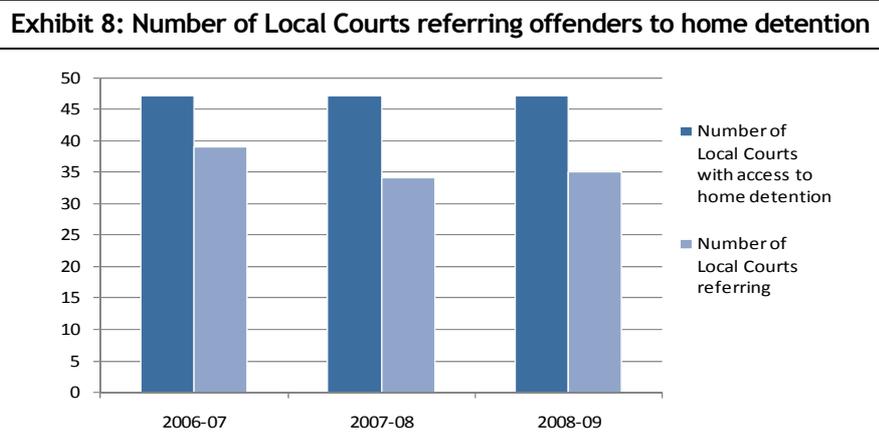
From mid 2010 Corrective Services NSW has advised that it is promoting home detention in the CCG offices at Grafton, Bathurst and Dubbo. See Appendix 3 for proposed locations and planned expansion.

Recommendation

Corrective Services NSW should make home detention available across NSW by July 2011.

Referrals from courts fluctuate

Access to home detention also depends upon the willingness of judges and magistrates to take up the program in their courts. In 2008-09 only 35 out of 47 Local Courts with access to home detention made referrals. Also about 100 Local Courts in NSW do not have access to home detention. See Appendix 4 for the location of Local Courts in NSW and a list of those with access to home detention.



Source: Corrective Services NSW.

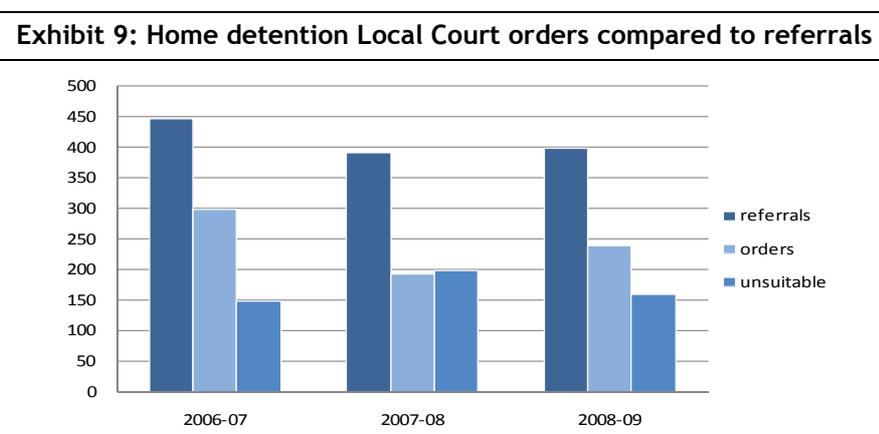
Recommendation

Corrective Services NSW should by December 2010 promote the program and its availability with all NSW courts.

More offenders found unsuitable today

The screening process for home detention suitability has become more rigorous over time. CCG officers tell us that assessments are now done on the basis that everyone is unsuitable and must prove themselves to be suitable, as they do not want to put people on the program who are likely to fail. This means an increasing number of referred offenders are assessed as unsuitable.

For the five years up to 2004 on average 34 per cent of home detention assessments found the offender to be unsuitable for home detention. However over the last three years about 40 per cent of offenders referred for assessment have been found unsuitable.



Source: Corrective Services NSW.

We also found some CCG offices assess more referrals as unsuitable than others. For example in 2008-09 Wollongong CCG office assessed about one in three referrals as unsuitable whereas Newcastle CCG office assessed over half of its referrals as unsuitable.

Exhibit 10: Local Court home detention referrals assessed as unsuitable					
CCG office	2008-09				
	No. referred for home detention assessment	No. of home detention referrals assessed unsuitable	%	No. accepted for home detention	%
Blacktown	267	100	37%	167	63%
Campbelltown	61	26	43%	35	57%
Newcastle	43	26	60%	17	40%
Wollongong	28	9	32%	19	68%
TOTAL	399	161	40%	238	60%

Source: Corrective Services NSW.

Inconsistent approach to offender assessments

We found that although there are guidelines for assessing offenders, suitability assessment practices vary between CCG offices. For example CCG officers doing the assessments have discretion in:

- the impact of the results of drug and alcohol tests on assessments (what will be accepted and what will not)
- expectations placed on offenders during the assessment phase (participating in programs and completing fortnightly schedules of out of home activities).

Most offenders are released into the community during assessment

During the assessment period the offender's sentence is put on hold and most are released into the community. CCG officers tell us that this is helpful. It allows them to assess how the offender is likely to cope with home detention if they see the offender in their usual environment.

However during this period Corrective Services NSW tell us the offender is not under a home detention order and so is not subject to home detention conditions or supervision by CCG officers. Considering the number of offenders that are finally assessed to be unsuitable, this:

- leaves less serious, but nevertheless offenders already sentenced to imprisonment in the community for a minimum of six weeks
- delays the commencement of the offender's sentence
- raises false hope for the families of offenders.

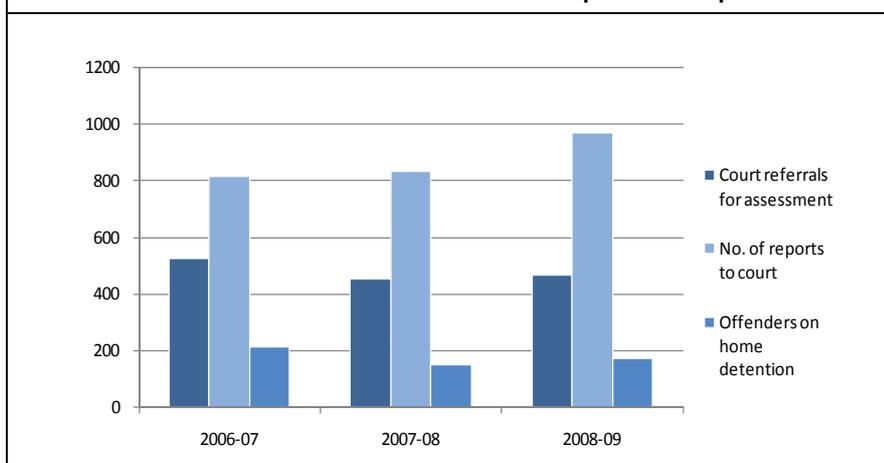
Also the assessment period can be extended. This happens if:

- the judge or magistrate requests a further assessment of an offender reported as being unsuitable
- the CCG officer needs some further time to conclude the assessment as in many cases they rely upon information and enquiries from various external sources which they tell us is often a lengthy process. Corrective Services NSW advise this information assists to make an accurate assessment and ensure the safety of co-residents and members of the community.

Of the offender case files reviewed during the audit about 50 per cent of assessments took more than eight weeks to complete.

Over the five years to June 2009 the number of home detention assessment reports prepared has risen by 40 per cent while the number of people placed on home detention is declining. In view of the time dedicated to these assessments this must represent considerable cost to Corrective Services NSW.

Exhibit 11: Court referrals for assessment compared to reports to court



Source: Corrective Services NSW.

Recommendation

Corrective Services NSW should:

- explore with the Department of Justice and Attorney General ways to streamline referral of offenders for assessment by January 2011.
- review reasons for offenders being assessed as unsuitable to identify and if possible remove common barriers by July 2011.

Limitations of electronic monitoring

The transmission of messages from the electronic ankle depends upon telephone landlines. This means home detention is limited to areas where telephone landlines have coverage and are available.

Electronic monitoring capabilities have been identified as an issue for regional and rural areas. We understand the monitoring capabilities in the new CCG offices in these areas of NSW are being addressed.

Once on home detention offenders are monitored in a number of ways as shown in Exhibit 3.

Supervision includes various forms of contact

The supervision of offenders must be rigorous and reliable so they can complete their sentence in the community without presenting a threat to public safety.

The level of contact the CCG officers have with offenders is determined by their assessed risk level and is included in each offender's case plan. There are minimum standards for the number of face to face visits each offender must have.

There are some minimum standards

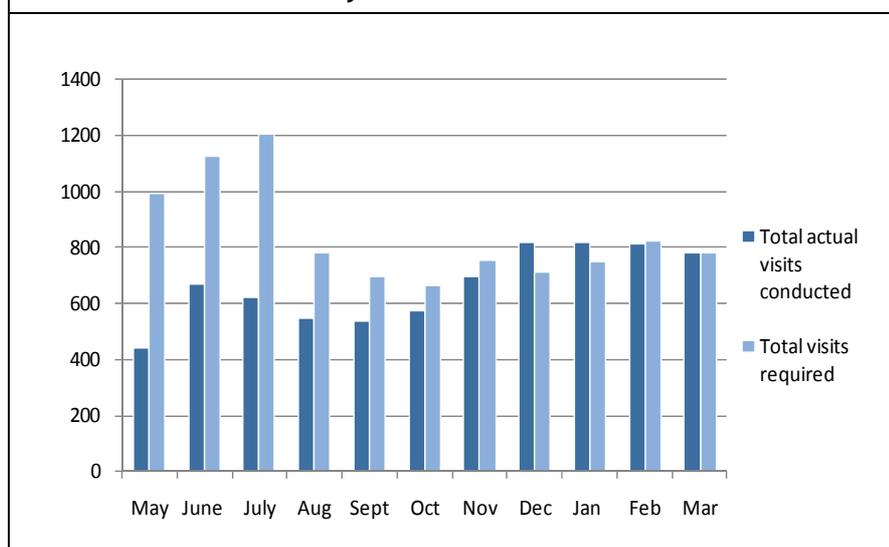
Exhibit 12: Minimum standards for contact with offenders		
Supervision level	Contacts per month	Case management reviews
Low	4 per month + 4 visits	Every 6 months
Medium	6 per month + 6 visits	Every 4 months
High	8 per month + 8 visits	Every 2 months

Source: Corrective Services NSW.

Note: Contacts include visits, mobile scans and telephone calls.

Overall we found that minimum standards were not always met but there have been some recent improvements.

**Exhibit 13: Total visits required compared to visits conducted
May 2009 - March 2010**



Source: Corrective Services NSW.

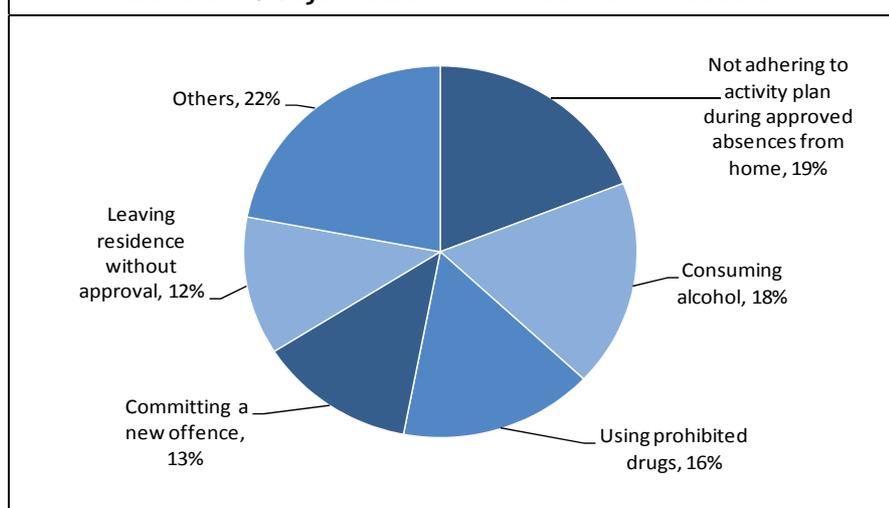
Field visits are minimal

We also found supervision and observation of offenders when outside their home is variable. Between May 2009 and March 2010 although over 7,300 visits took place, 90 per cent were home visits and only about ten per cent were field visits. There are currently no minimum standards for field visits.

Offenders must adhere to pre-approved schedules

Offenders not adhering to their approved fortnightly schedule of out of home activities was a major factor in about one in three of the home detention orders revoked between July 2009 and March 2010. Fewer field visits increases the risk that offenders who are not complying with the conditions of home detention may go undetected.

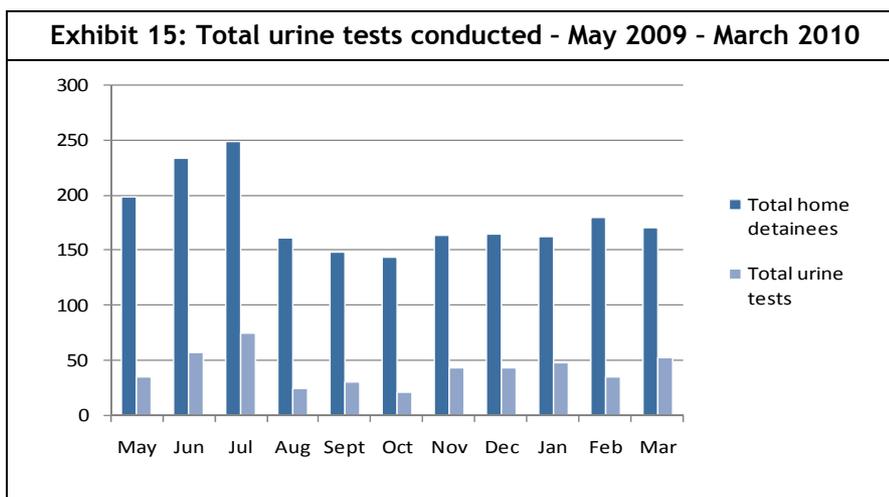
Exhibit 14: Major reasons for revocations in 2008-09



Source: Corrective Services NSW.

Drug use is a risk factor for home detainees. We found it to be one of the top three factors in home detention orders being revoked. However testing for drug use varies and is generally low.

Offender drug testing fluctuates



Source: Corrective Services NSW.

There are no minimum standards for frequency of breath and urine testing, although each offender’s case plan should indicate if drug and alcohol testing should be done and how often. Whether testing is done in accordance with the case plan is not clear.

The rigour of the program can be improved by tightening up supervision and monitoring.

Recommendations

Corrective Services NSW should by December 2010:

- establish minimum standards for field visits in line with offender risk rating
- establish minimum standards for drug and/or alcohol testing in line with offender risk rating
- monitor and ensure compliance with minimum standards.

All breaches must have a response

The conditions of home detention are stringent and every breach of a home detention condition must have a response. The Home Detention policy sets out guidelines for CCG officers in responding to breaches of home detention conditions.

Certain breaches can be managed by the CCG officers. These include offenders refusing to comply with directions, using alcohol and drugs or deviating from their fortnightly schedule of out of home activities.

CCG officers advise that their ability to manage minor breaches gives flexibility to the management of offenders. However they acknowledged that there were differences between CCG offices in how they respond to breaches. Corrective Services NSW needs to ensure that this does not impact on the equitable treatment of offenders across the program.

Serious breaches mean a home detention order can be revoked

Serious breaches must be reported to the SPA, for example, arrest or conviction for a new offence, or changing residence without approval. Continuing less serious breaches may also be reported to the SPA.

The SPA has discretion in how it deals with breach matters. The SPA can:

- note the breach report but take no further action
- conduct an inquiry into the breach
- issue a formal warning letter
- adjourn the matter for specified case management reasons
- vary the conditions
- revoke the home detention order.

Over the three years to June 2009, the SPA has revoked 182 home detention orders.

Exhibit 16: Home detention orders and revocations				
	2006-07	2007-08	2008-09	Total
All home detention orders made	446	290	361	1094
Number of home detention orders revoked	79	53	50	182

Source: Corrective Services NSW.

Breaches need to be managed consistently

However, we did not find any formal procedure to review decisions on the referral of serious and continued breaches to the SPA. Corrective Services NSW needs to be certain that consistent standards apply across CCG offices.

Between July 2009 and March 2010 seven home detainees reoffended while on home detention. Their offences included driving while disqualified and drug charges.

Exhibit 17: Reoffending whilst on home detention
<p>Case 1</p> <p>Offender A was put on home detention in December 2008. Two months into the sentence the offender was charged with larceny and obtaining money by deception. The nature of the offences involved the offender luring a female, whom he had met on a dating website, to his residence and then taking her credit cards to buy goods online. His home detention order was revoked and he was placed in fulltime imprisonment.</p> <p>Case 2</p> <p>Offender B commenced home detention in June 2008. Six months into the sentence the offender was arrested and charged with offences including possession of goods suspected of being stolen (motor vehicle) and possession of implements to steal motor vehicle. The home detention order was revoked.</p>

Source: Corrective Services NSW.

Recommendations

Corrective Services NSW should:

- review learnings from assessments, breaches and revocations to improve consistency in the delivery of home detention by July 2011
- undertake regular quality assurance reviews of offender management by December 2010.

3. Is home detention cost effective?

Conclusion

We found that home detention is cost effective compared to fulltime imprisonment, but this impact has reduced over time as participation has decreased. Many technically eligible offenders could be on home detention rather than in prison.

The majority of offenders complete their sentences and do not reoffend within two years. Having more people on the program and participating in meaningful activities may reduce reoffending even further and also reduce costs associated with reoffending.

In the five years up to June 2009, the NSW prison population rose by just under 13 per cent. With the average daily prison population now over 10,000 and expected to increase by about 300 inmates each year.

Home detention costs less than fulltime imprisonment

The net operating expenditure per prisoner per day on home detention is about \$47 compared to about \$187 per day for an offender in minimum/medium security imprisonment.

Most home detention sentences are for three to nine months. If we take the average at six months, the cost per home detainee was about \$8,500 per sentence. Whereas for offenders in fulltime minimum/medium security imprisonment the cost was about \$34,000. This represents a saving of some \$25,000 per offender. If the average sentence for the 175 offenders on home detention in 2008-09 was six months, the saving is about \$4.4 million for NSW.

This simple calculation does not take into account other unquantified savings such as:

- home detainees who stay in employment and continue to contribute to their family's upkeep and stability
- home detainees contributing to the costs of their rehabilitation treatment and other activities
- unpaid community work that some home detainees complete as part of their sentence.

As mentioned earlier the number of offenders on home detention is declining. This means the cost benefit of home detention has reduced over time.

There seems to be a real opportunity for overall government saving if instead of diminishing, as is the current trend, home detention is expanded. Also home detention costs may reduce even further as the program expands with economies of scale. But this should not be at the cost of the integrity of the program.

Corrective Services NSW may consider more use of home detention in appropriate cases to deliver cost savings.

Most home detainees complete the sentence

In 2008-09 about 80 per cent of home detention sentences were completed. This was a drop of about eight per cent on the previous year, but overall is just under the average of 82 per cent over the five years up to June 2009. See Appendix 5 for case studies of offenders who completed home detention.

	2004-05	2005-06	2006-07	2007-08	2008-09
% completed	78%	83%	83%	88%	80%

Source: Corrective Services NSW.

Home detention programs vary across jurisdictions

There are differences in the size and mode of operation of home detention programs across jurisdictions. See Appendix 6 for inter-jurisdiction comparisons. However while NSW appears to be performing quite well, its impact is affected by the low number of offenders on the program.

	New South Wales	Victoria	South Australia	Northern Territory	New Zealand	United Kingdom (2007-08)
% completed	80%	98%	75%	92%	82%	Not known
Average no. of offenders	175	32	423	31	1,449	11,316

Source: Productivity Commission Report on Government Services 2010 and Audit Office research.

In 2008, over 6,500 offenders were technically eligible for home detention because their crime and sentence matched the eligibility criteria. Of these about 1,400 offenders had committed traffic and motor vehicle regulatory offences. Of course not all technically eligible offenders would be suitable for the program even if it was available, but these figures indicate that the capacity of the program can be increased.

As mentioned earlier one of the key aims of the home detention program is to divert less serious offenders from fulltime imprisonment. Expanding the program would help ensure that fewer offenders were exposed to the influence of hardened criminals or become victims of negative behaviour in prisons.

One of the reasons given for there being fewer people on the home detention program now than five years ago is the more rigorous screening to identify suitable offenders at the assessment phase. However this approach of screening out those offenders CCG officers view as less likely to succeed has not improved the percentage of offenders who complete the program.

Recommendation

Corrective Services NSW should review learnings from home detention sentence completions to improve participation and completion rates by December 2010.

Reoffending is a major cost to the justice system

People reoffending after completing a sentence are a major cost to the justice system. This is also true for those completing home detention sentences.

In a recent report the NSW Bureau of Crime Statistics and Research estimated that a ten percent reduction in the overall re-imprisonment rate would reduce the prison population by more than 800 inmates, saving \$28 million per year.

Reducing reoffending rates saves money through:

- avoiding costs to the justice system (court and prison costs)
- improving safety and personal security in the community (costs of criminal acts)
- keeping people in the community and with their family.

Most home detainees do not reoffend within two years of release

It is a pleasing result that the majority of offenders who complete home detention do not reoffend within two years of release. For example, about 64 per cent of offenders who completed their sentence between 2005 to 2007 had not reoffended. But there is room to improve this result.

Exhibit 20: Reoffending rates

The NSW Bureau of Crime Statistics and Research commonly measure reoffending by considering whether a person convicted of an offence is subsequently convicted of another offence within two years. However they advise that comparing reoffending rates between groups is not simply done.

A robust comparison needs to consider all the factors which influence a person's likelihood of reoffending including: prior convictions, age, gender, Indigenous status, the seriousness and type of offence and socioeconomic factors. Simple data they have provided on reoffending, which does not take into account these factors, shows the following:

- of adult offenders who were convicted in 2005, 28 per cent were reconvicted within two years. This includes convictions for all offences ranging from traffic offences which receive no penalty to murder with lengthy prison sentences
- of home detainees released in 2006-07, 36 per cent reoffended. Home detention offences must attract a prison sentence of 18 months or less
- of detainees released from full-time prison in 2006-07, 52 per cent reoffended.

Note this does not show that home detention reduces reoffending as it is very likely that offenders who go to prison are substantially different to those sentenced to home detention. For instance they possibly committed more serious offences, have longer criminal histories and have a greater likelihood of previous imprisonment.

Source: NSW Bureau of Crime Statistics and Research.

Rehabilitation should target problems

Research shows that rehabilitation targeted at problems that underlie offending behaviour reduces reoffending.

Home detention orders can impose conditions on offenders to participate in appropriate rehabilitation and other programs as a part of individual case plans. However under the current minimum standards such support is not required for many offenders. This may be a missed opportunity.

Exhibit 21: Current rehabilitation and other support program minimum standards			
Supervision level	Programs	Referrals	Case management reviews
Low	Not required	Encourage self referral if required	Every 6 months
Medium	CCG officer refers to relevant programs	CCG officer refers and confirms attendance with service provider	Every 4 months
High	Priority	CCG officer refers and makes regular contact with provider	Every 2 months

Source: Corrective Services NSW.

Note: Programs include rehabilitation, treatment and other activities.

- Recommendation** Corrective Services NSW by December 2010 should:
- include in all offender case plans rehabilitation, program and activity objectives and assist offenders to meet them
 - review compliance with case plan objectives in monthly CCG office meetings.

Appendices

Appendix 1 About the audit

Audit Objective This audit examined how well home detention is delivered across NSW by Corrective Services NSW.

Lines of Inquiry In reaching our opinion against the audit objective, we sought to answer the following questions:

1. Are there any barriers to accessing home detention?
2. Is home detention cost effective?

Audit criteria In answering the lines of inquiry, we used the following audit criteria (the 'what should be') to judge performance. We based these standards on our research of current thinking and guidance on better practice. They have been discussed, and wherever possible, agreed with those we are auditing.

For line of inquiry 1, the audit criteria were:

- home detention is available across NSW
- home detention is delivered consistently.

For line of inquiry 2, the audit criteria were:

- the costs of home detention in NSW are less than fulltime imprisonment
- the majority of home detainees complete the sentence
- the majority of home detainees do not reoffend within 2 years of release.

Audit scope For home detention to be effective it must be managed well. It should benefit both the offender and the community. It should benefit the offender by allowing them to maintain links with the community and their family while serving their term of imprisonment at home. It should also improve their prospects of rehabilitation. It should benefit the community by being less costly than fulltime imprisonment, keep offenders working, either in community services or paid and taxed employment, and make the community safer by reducing reoffending rates.

Only suitable offenders should be on the program, and community safety should be protected by robust monitoring and supervision of detainees.

The audit did not examine:

- a) alternative forms of home detention such as end of sentence home detention and juvenile home detention which are available in some other jurisdictions
- b) other community sentencing options such as periodic detention, community service orders or Intensive Correction Orders
- c) the decision of Corrective Services NSW to establish Community Corrections Groups and locate the management of home detention within these groups.

Audit Approach	<p>The audit team acquired subject matter expertise by:</p> <ul style="list-style-type: none">▪ interviewing and examining relevant documents including guidelines, reports, case files, strategies and reviews relating to home detention▪ discussion with relevant staff from Corrective Services NSW▪ discussion with representatives of key stakeholders including Local Court Magistrates and unions. <p>We also examined home detention programs in other jurisdictions. These included Victoria, South Australia, New Zealand, the United Kingdom, and the Northern Territory.</p>
Audit selection	<p>We use a strategic approach to selecting performance audits which balances our performance audit program to reflect issues of interest to Parliament and the community. Details of our approach to selecting topics and our forward program are available on our website.</p>
Audit methodology	<p>Our performance audit methodology is designed to satisfy Australian Standard on Assurance Engagements ASAE3500 on performance engagements and to reflect current thinking on performance auditing practices.</p> <p>Audits are produced under the Office's quality control policies and practices, including a quality management system certified to International Standard ISO 9001. Our processes have also been designed to comply with the <i>Public Finance and Audit Act 1983</i>.</p>
Acknowledgement	<p>We gratefully acknowledge the co-operation and assistance provided by Corrective Services NSW. We would also like to thank the staff of the NSW Bureau of Crime Statistics and Research, who kindly provided their expert assistance.</p>
Audit team	<p>Our team leader for this performance audit was Penelope Josey, who was assisted by Angelina Pillay. Jane Tebbatt and Sean Crumlin provided direction and quality assurance.</p>
Audit cost	<p>Including staff costs, printing costs and overheads the estimated cost of the audit is \$192,000.</p>

Appendix 2 Intensive Correction Orders

An Intensive Correction Order (ICO) is a sentence of imprisonment of up to two years that is ordered by the court to be served in the community. Offenders sentenced to ICOs can be subject to a range of stringent conditions including 24 hour monitoring, regular community work and a combination of tailored educational, rehabilitative and other related activities.

The power of courts to make periodic detention orders will cease upon the commencement of ICOs which is expected to be no later than December 2010.

Courts can refer offenders for an ICO suitability assessment before they have imposed a sentence of imprisonment on the offender, but only after considering all the alternatives and being satisfied that no sentence other than imprisonment is appropriate and that the sentence length is likely to be no more than two years.

ICOs have three levels and each ICO offender will progress through various supervision levels as determined by Corrective Services NSW.

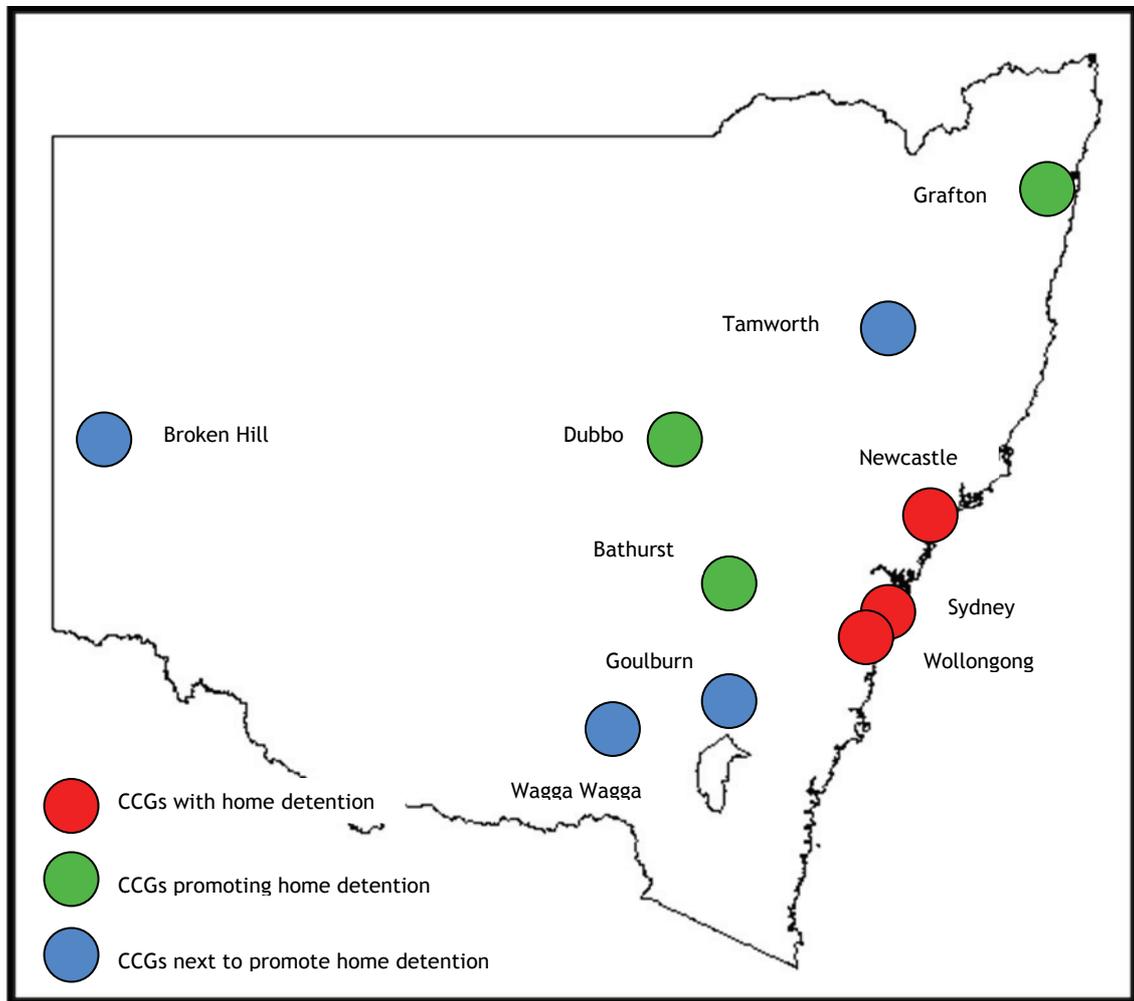
Level 1 - curfew and electronic monitoring, with a minimum of eight consecutive hours per week of community work supervised by CCG officers plus programs as appropriate.

Level 2 - a discretionary curfew and discretionary electronic monitoring with a minimum of eight consecutive hours per week of community work supervised by CCG officers or community work organisation sponsors plus programs as appropriate.

Level 3 - no curfew, no electronic monitoring with a minimum of eight consecutive hours per week of community work supervised by community work organisation sponsors plus programs as appropriate.

If assessed as unsuitable for an ICO, the court will proceed to sentence the offender to either fulltime imprisonment or home detention (subject to a suitability assessment).

Appendix 3 Proposed locations for expansion of home detention across NSW



NSW Local Courts where the home detention program is available

Albion Park	Downing Centre	Lithgow	North Sydney	Sutherland
Balmain	East Maitland	Liverpool	Nowra	Toronto
Bankstown	Fairfield	Maitland	Parramatta	Waverley
Belmont	Gloucester	Manly	Penrith	Windsor
Blacktown	Gosford	Milton	Picton	Wollongong
Burwood	Hornsby	Moss Vale	Port Kembla	Woy Woy
Camden	Katoomba	Muswellbrook	Raymond Terrace	Wyong
Campbelltown	Kiama	Mount Druitt	Redfern	
Central	Kogarah	Newcastle	Ryde	
Cessnock	Kurri Kurri	Newtown	Singleton	

Appendix 5

Case studies on home detention orders completed

Case Study 1: Low risk offender with motivation to address issues

The offender commenced his order in 2009, he was given a six month sentence. The offender continued to maintain contact with a private psychologist in relation to anxiety issues. The offender was also referred to an alcohol and drug counsellor as he had a history of alcohol use which by his own admission affected his relationships.

During the offender's supervision he continually referred to home detention being a positive experience for him. The offender was extremely motivated to address his issues and upon completion of the sentence the offender detailed how he would continue with intervention.

Case study 2: Female offender with issues related to depression, accommodation and family issues

In relation to this offender, a home detention assessment was requested for the offence of Drive Whilst Disqualified.

Following a short period of homelessness the offender had been able to secure stable accommodation. The offender commenced her sentence in 2009, however she had issues related to the stability of her accommodation and financial strain. The offender at times was referred to various emergency welfare agencies which provided assistance for her. Additionally, the offender received support from a counsellor in relation to her issues associated with depression and past substance issues.

The offender enrolled and participated in a TAFE computer course to enhance her future prospects of employment in the community. The offender whilst on supervision was subject to numerous random breath tests and urinalysis to verify her ongoing abstinence and motivate her to continue to address her issues. The offender completed her home detention sentence.

Case Study 3: Male offender currently being supervised

The offender commenced his home detention sentence in 2009 for the offence of Drive High Range Prescribed Concentration of Alcohol and Dangerous Driving Occasioning Grievous Bodily Harm. At the time of the offence he was in possession of cocaine.

The offender, as part owner of a business was able to maintain this employment on home detention. During the offender's supervision, he completed a Traffic Offender's Program with an aim of gaining information and skills to develop consequential thinking related to driving offences.

Additionally, the offender attended a stimulant treatment program to address his issues related to illicit substance abuse. The offender during the period of supervision has had random breath tests conducted as well as regular random urinalysis. Additionally, the offender participated in counselling and mediation to develop his coping skills. The offender completes his sentence in 2010.

Appendix 6 Home detention programs in several jurisdictions

Victoria

Who can refer In Victoria the courts can direct suitable offenders to home detention for a maximum sentence of 12 months. The Adult Parole Board can also direct suitable offenders to home detention for a maximum of six months at the end of their sentence.

Monitoring and supervision Offenders are subject to an electronic monitoring system. They must observe a strict curfew and submit to random breath and urine tests.

No. on the program In 2008-09 the average number of offenders on the program was 32.

New Zealand

Who can refer In New Zealand only a sentencing judge can impose a sentence of home detention. Sentences can range from 14 days to 12 months.

Monitoring and supervision Offenders wear an electronic anklet and must remain at an approved residence at all times unless authorised to leave. They must also submit to close supervision by a probation officer.

No. on the program In 2008-09 the average number of offenders with home detention sentences was 1,449.

United Kingdom

Who can refer All prisoners serving sentences of three months or over but less than four years are potentially eligible for Home Detention Curfew.

Monitoring and supervision On release the prisoner signs a licence agreeing to a curfew period, usually of 12 hours a day. The offender wears an electronic tag and monitoring equipment is installed at their residence.

No. on the program In 2007-08 there were 11,316 offenders on Home Detention Curfew.

South Australia

Who can refer Home detention is available for eligible prisoners during the final six months of their custodial sentence.

Monitoring and supervision Home detainees wear an electronic anklet and are required to remain drug and alcohol free. Over time if the prisoner displays success in living back in society, the supervision level may start to reduce.

No. on the program In 2008-09 the average number of offenders on the program was 423.

Northern Territory

Who can refer Offenders found suitable after an assessment are sentenced to prison, with the sentence suspended upon the offender entering an order to be detained at stated premises for up to 12 months.

Monitoring and supervision Offenders must remain at the stated premises, not consume alcohol, and not leave at any time without permission. Home detainees are subject to random checks at home and work, breath and urine testing, and may be required to wear electronic surveillance devices.

No. on the program In 2008-09 the average number of offenders on the program was 31.

Performance Audits by the Audit Office of New South Wales

Performance Auditing

What are performance audits?

Performance audits determine whether an agency is carrying out its activities effectively, and doing so economically and efficiently and in compliance with all relevant laws.

The activities examined by a performance audit may include a government program, all or part of a government agency or consider particular issues which affect the whole public sector. They cannot question the merits of Government policy objectives.

The Auditor-General's mandate to undertake performance audits is set out in the *Public Finance and Audit Act 1983*.

Why do we conduct performance audits?

Performance audits provide independent assurance to Parliament and the public that government funds are being spent efficiently, economically or effectively and in accordance with the law.

Through their recommendations, performance audits seek to improve the efficiency and effectiveness of government agencies so that the community receives value for money from government services.

Performance audits also focus on assisting accountability processes by holding managers to account for agency performance.

Performance audits are selected at the discretion of the Auditor-General who seeks input from Parliamentarians, the public, agencies and Audit Office research.

What happens during the phases of a performance audit?

Performance audits have three key phases: planning, fieldwork and report writing. They can take up to nine months to complete, depending on the audit's scope.

During the planning phase the audit team develops an understanding of agency activities and defines the objective and scope of the audit.

The planning phase also identifies the audit criteria. These are standards of performance against which the agency or program activities are assessed. Criteria may be based on best practice, government targets, benchmarks or published guidelines.

At the completion of fieldwork the audit team meets with agency management to discuss all significant matters arising out of the audit. Following this, a draft performance audit report is prepared.

The audit team then meets with agency management to check that facts presented in the draft report are accurate and that recommendations are practical and appropriate.

A final report is then provided to the CEO for comment. The relevant Minister and the Treasurer are also provided with a copy of the final report. The report tabled in Parliament includes a response from the CEO on the report's conclusion and recommendations. In multiple agency performance audits there may be responses from more than one agency or from a nominated coordinating agency.

Do we check to see if recommendations have been implemented?

Following the tabling of the report in Parliament, agencies are requested to advise the Audit Office on action taken, or proposed, against each of the report's recommendations. It is usual for agency audit committees to monitor progress with the implementation of recommendations.

In addition, it is the practice of Parliament's Public Accounts Committee (PAC) to conduct reviews or hold inquiries into matters raised in performance audit reports. The reviews and inquiries are usually held 12 months after the report is tabled. These reports are available on the Parliamentary website.

Who audits the auditors?

Our performance audits are subject to internal and external quality reviews against relevant Australian and international standards.

Internal quality control review of each audit ensures compliance with Australian assurance standards. Periodic review by other Audit Offices tests our activities against best practice. We are also subject to independent audits of our quality management system to maintain certification under ISO 9001.

The PAC is also responsible for overseeing the performance of the Audit Office and conducts a review of our operations every three years. The review's report is tabled in Parliament and available on its website.

Who pays for performance audits?

No fee is charged for performance audits. Our performance audit services are funded by the NSW Parliament.

Further information and copies of reports

For further information, including copies of performance audit reports and a list of audits currently in-progress, please see our website www.audit.nsw.gov.au or contact us on 9275 7100.

Performance Audit Reports

No	Agency or Issues Examined	Title of Performance Audit Report or Publication	Date Tabled in Parliament or Published
204	Corrective Services NSW	<i>Home Detention</i>	September 2010
203	Australian Museum	<i>Knowing the Collections</i>	1 September 2010
202	Industry & Investment NSW Homebush Motor Racing Authority Events NSW	<i>Government Investment in V8 Supercar Races at Sydney Olympic Park</i>	23 June 2010
201	Department of Premier and Cabinet	<i>Severance Payments to Special Temporary Employees</i>	16 June 2010
200	Department of Human Services - Ageing, Disability and Home Care	<i>Access to Overnight Centre-Based Disability Respite</i>	5 May 2010
199	Department of Premier and Cabinet NSW Treasury WorkCover NSW	<i>Injury Management in the NSW Public Sector</i>	31 March 2010
198	NSW Transport and Infrastructure	<i>Improving the Performance of Metropolitan Bus Services</i>	10 March 2010
197	Roads and Traffic Authority of NSW	<i>Improving Road Safety: School Zones</i>	25 February 2010
196	NSW Commission for Children and Young People	<i>Working with Children Check</i>	24 February 2010
195	NSW Police Force NSW Department of Health	<i>Managing Forensic Analysis - Fingerprints and DNA</i>	10 February 2010
194	Department of Premier and Cabinet Department of Services, Technology and Administration NSW Treasury	<i>Government Advertising</i>	10 December 2009
193	Roads and Traffic Authority of NSW	<i>Handback of the M4 Tollway</i>	27 October 2009
192	Department of Services, Technology and Administration	<i>Government Licensing Project</i>	7 October 2009
191	Land and Property Management Authority Maritime Authority of NSW	<i>Administering Domestic Waterfront Tenancies</i>	23 September 2009
190	Department of Environment, Climate Change and Water NSW Environmental Trust	<i>Environmental Grants Administration</i>	26 August 2009
189	NSW Attorney General's Department NSW Department of Health NSW Police Force	<i>Helping Aboriginal Defendants through MERIT</i>	5 August 2009
188	NSW Department of Health	<i>Tackling Cancer with Radiotherapy</i>	23 June 2009
187	Roads and Traffic Authority of NSW	<i>Improving Road Safety - Heavy Vehicles</i>	13 May 2009
186	Grants	<i>Grants Administration</i>	6 May 2009
185	Forests NSW	<i>Sustaining Native Forest Operations</i>	29 April 2009

No	Agency or Issues Examined	Title of Performance Audit Report or Publication	Date Tabled in Parliament or Published
184	NSW Police Force	<i>Managing Injured Police</i>	10 December 2008
183	Department of Education and Training	<i>Improving Literacy and Numeracy in NSW Public Schools</i>	22 October 2008
182	Department of Health	<i>Delivering Health Care out of Hospitals</i>	24 September 2008
181	Department of Environment and Climate Change	<i>Recycling and Reuse of Waste in the NSW Public Sector</i>	11 June 2008
180	Follow-up of 2003 Performance Audit	<i>Protecting Our Rivers</i>	21 May 2008
179	NSW Office of Liquor, Gaming and Racing; NSW Police Force	<i>Working with Hotels and Clubs to reduce alcohol-related crime</i>	23 April 2008
178	Greyhound and Harness Racing Regulatory Authority	<i>Managing the Amalgamation of the Greyhound and Harness Racing Regulatory Authority</i>	3 April 2008
177	Office of the Director of Public Prosecutions	<i>Efficiency of the Office of the Director of Public Prosecutions</i>	26 March 2008
176*	Better Practice Guide	<i>Implementing Successful Amalgamations</i>	5 March 2008
175	Department of Commerce Department of Primary Industries	<i>Managing Departmental Amalgamations</i>	5 March 2008
174	Department of Education and Training	<i>Ageing workforce - Teachers</i>	13 February 2008
173	NSW Police Force	<i>Police Rostering</i>	5 December 2007
172	Department of Primary Industries	<i>Improving Efficiency of Irrigation Water Use on Farms</i>	21 November 2007
171	Department of Premier and Cabinet Department of Commerce	<i>Government Advertising</i>	29 August 2007
170	RailCorp	<i>Signal Failures on the Metropolitan Rail Network</i>	15 August 2007
169	NSW Police Force	<i>Dealing with Household Burglaries</i>	27 June 2007
168	Ministry of Transport	<i>Connecting with Public Transport</i>	6 June 2007

* Better Practice Guides

Performance audits on our website

A list of performance audits tabled or published since March 1997, as well as those currently in progress, can be found on our website www.audit.nsw.gov.au.

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