House Arrest

Compliance-Based Practices · https://www.gmuace.org/appropriateness-statement-package/compliance-based-practices/house-arrest/

House Arrest – The evidence is promising

Summary of the Evidence

- The evidence on house arrest on recidivism is limited but promising.
- There are few evaluations, but there is evidence that house arrest can be an effective alternative to incarceration.
- House arrest is often combined with electronic monitoring and a curfew (see electronic monitoring statement for guidance).

What Is House Arrest?

- House arrest is a punishment aimed at reducing opportunities for criminal behavior by restricting movement.
- House arrest can be used as a direct punishment or graduated sanction. There are typically two types:
  - ***curfew*** – the probation agency defines hours when the client can and cannot leave their home
  - ***direct home incarceration*** – the client can only leave their home for court-approved activities (i.e., employment, religious services, food shopping, etc.)

How Is It Used?

- House arrest is a sanction for clients who have a stable address and whose presence there does not pose a danger to themselves or others.
  - An agency's perspective on violent behavior may determine the use of house arrest.

- House arrest orders can be accompanied by electronic monitoring as the way of verifying the client's location.
- Types of electronic monitoring include:
    - home unit – client wears a transmitter (ankle bracelet) that will alert the probation office if the client leaves home or travels out of range of the home monitor

passive GPS tracking – through client's cell phone, monitors client's movement throughout the day and transmits information to the probation office

How Can It Be Used to Monitor Compliance?

- House arrest may be used as an intermediate sanction.
- House arrest can be effective when combined with a curfew.
- House arrest increases surveillance on clients while allowing them to keep their job or stay in school.

How Can It Be Used as a Supervision Tool?

- House arrest is not a therapeutic tool.
- House arrest is a control tool that increases the level of surveillance and reduces the capacity and opportunity to commit crimes.
- As an alternative to incarceration, house arrest can keep clients away from the negative effects of more restrictive sanctions and settings (e.g., work release, jail, prison).
- House arrest should be promoted as an opportunity for the individual to demonstrate they can comply with conditions.
- Completion of a house arrest sanction should be presented as a way for a client to regain the trust of their officer.

What Are the Costs of House Arrest?

- House arrest can be a cost-effective alternative to incarceration from the perspective of the justice system.
- The costs of house arrest for an officer are mainly in time and effort, ensuring that the client complies with the conditions of their sanction.
- The costs of house arrest for the client can be extensive.
    - If accompanied by electronic monitoring, house arrest can present a substantial financial burden on the client and their family.
        - A clients' financial circumstances should be considered when determining how much they are asked to contribute to the cost of electronic monitoring.
    - Clients can suffer from the negative social stigma associated with wearing the electronic monitoring equipment in public.
        - Alternative GPS technology may be less intrusive to a client's life (see phone-based monitoring statement).

What Do Supervision Staff Think About House Arrest?

- Supervision staff report that house arrest is
    - never appropriate for all low-risk clients and
    - sometimes appropriate for all medium- to high-risk clients.

Compliance Level

- Supervision staff report that physical sanctions like house arrest are
    - sometimes appropriate for low-risk clients that are in low and moderate compliance with their supervision conditions,
    - never appropriate for low-risk clients that are in high compliance with their supervision conditions,
    - always appropriate for medium- to high-risk clients that are in low compliance with their supervision conditions, and

- sometimes appropriate for medium- to high-risk clients that are in medium or high compliance with their supervision conditions.

What Should You Expect When Using House Arrest?

- Evidence of effectiveness as a short-term intervention.
- There is some evidence that effectiveness can be enhanced when house arrest is coupled with electronic monitoring.
- There is some evidence that as a short-term, intermediate sanction, house arrest does not put the community at risk.
- House arrest and electronic monitoring should not be used as long-term interventions.
- House arrest can increase the likelihood that clients will not comply with their conditions.

Is House Arrest an Evidence-Based Practice?

- The evidence supporting house arrest is limited but promising.
  - There have been a few evaluations that support the effectiveness of house arrest.

What Do People Formerly Involved in the Criminal Legal System Think About House Arrest?

- People with lived experience in the criminal legal system (the “criminal justice” or “legal” system is referred to as the criminal legal system in this document) report that house arrest is
  - never appropriate for all low-risk clients and
  - sometimes appropriate for all medium- to high-risk clients.

Communication That Reinforces Officers’ Role as Change Agent (Messaging)

- Officers should be aware that house arrest and electronic monitoring place restrictions on clients at home and in the community.
- Officers should be aware of and acknowledge the potentially negative effects for clients (e.g., shame, embarrassment) of being on house arrest.
    - Officers should help the client develop strategies to manage these negative emotions.
- Officers should remind clients of positive outcomes of house arrest (ability to keep working, not going to jail, remaining with family).
- Officers should communicate that they understand and acknowledge the financial burden being placed on them and their families when sentenced to house arrest.

Special Considerations When Using House Arrest With Subpopulations

Gang-Involved

Individuals in gangs are less likely to live in healthy and stable housing situations. If a gang-involved client is eligible, house arrest could keep them off the streets and away from delinquent peers. Consequently, officers should be open to house arrest as an alternative sanction only if the client has the proper housing situation.

General Violence

None

Intimate Partner Violence

Officers should do a thorough investigation of the status of the household before placing an individual with a history of IPV on house arrest. House arrest should only be used in situations where the officer feels confident it will not lead to further violence or abuse.

Serious Mental Illness

None

Substance Use Disorder

House arrest can keep clients with a substance use disorder off the streets at night and away from delinquent peers who may influence them to use.

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