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| **PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA****NATIONAL ASSEMBLY** |

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 201**

**DATE OF QUESTION: 28 FEBRUARY 2020**

**DATE OF SUBMISSION: 13 MARCH 2020**

**Mr A M Shaik Emam (NFP) to ask the Minister of Justice and Correctional**

**Services:**

What steps does he intend to take against repeat offenders and parolees who allegedly repeatedly commit a very large percentage of crimes and violate their

parole conditions? **NW131E**

**REPLY**

In September 2019, the Department of Correctional Services (DCS) initiated a process to consider possible review of the parole policy with the purpose of tightening the consideration process in respect of offenders sentenced for sexual and aggressive offences.

A discussion document on the review of the minimum detention period to be served by offenders who have committed offences relating to gender based violence, sexual and aggressive offences was drafted and submitted to State Law Advisers during September 2019 for an opinion. This document proposed that such category of offenders should be considered for parole after serving two thirds of sentence instead of half of sentence as prescribed by Section 73 of the Correctional Services Act, 1998 (Act 111 of 1998).

It is therefore important to indicate that any legislation or legislative amendment which adversely affects subjects cannot be applied retrospectively. This means that any amendment to the current minimum detention periods will not impact offenders already serving their sentences or persons who would have committed offences before coming into operation of the amended minimum detention period.

In addition, the Department is also considering enforcing compliance with placement conditions by ensuring that offenders whose parole has been revoked will have to serve the remainder of their sentence in a Correctional Centre. If the remainder of the sentence is more than 05 years or if the offender is serving a sentence of life imprisonment, placement on parole must be considered on completion of 05 years of the portion of the sentence which remained after parole was cancelled.

This proposal will serve as a deterrent to parolees from violating placement conditions as failure to comply will result in them serving the remainder of the sentence in a Correctional Centre as opposed to the maximum two years further profile as prescribed by Section 75 (6) Act 111 of 1998.

Parole forms part of the total rehabilitation programme in correcting offending behaviour and may include continuation of programmes aimed at reintegration whilst in the system of community corrections. It is regarded as an aid to the social re-integration of an offender and a mechanism to manage the risk an offender may pose to the community through monitoring by Community Corrections.

Upon re-admission the offender will be assessed to establish the reason(s) for his/her violation of parole conditions and/or repeat offending. The following selection of Correctional Programmes is available to address the reason(s) for violation of parole conditions and/or repeat offending:

* **New Beginnings Orientation**

 The New Beginnings Orientation Programme aims to empower newly admitted offenders to become more aware of themselves as well as the surrounding of the correctional setting in order to cope in the correctional centre.

* **Anger Management (“Anger In Anger Out”)**

Raises offender awareness on the causes and symptoms of anger and how to manage anger. The programme assists offenders to unlearn old habits associated with aggression and learn healthy ways of dealing with and expressing anger.

* **Cross Roads**

Equips offenders with the necessary knowledge and skills to enable them to become responsible, law-abiding and productive citizens in order to facilitate their successful reintegration into society.

* **Restorative Justice Orientation**

Orientate offenders on the Restorative Justice System. Prepare Offenders

 for involvement in Restorative Justice programmes options.

* **Preparatory programme on Sexual Offences (“Think before you act”)**

The programme assists offenders to identity the possible causes of their deviant sexual behaviour and to empower them with information on the biological development and sexual development of human beings.

* **Substance Abuse (“Stop to start”)**

The main purpose of the Substance Abuse programme is to help offenders gain insight into the negative effects of substance abuse.

* **Behaviour Modification Programme on Gangsterism**

The main objective is to raise awareness amongst offenders on gang related activities and specifically the negative consequences thereof.

* **Economic crime (fraud related) Programme**

The Economic Crime Programme (fraud category) targets fraud and related offences, which are more organized in nature (e.g. syndicates).

* **Economic Crime (theft related) Programme**

The Economic Crime Programme (theft category) targets theft and related offending behaviour (e.g. stolen food from a supermarket).

* **Murder and Related Offences (“Changing lanes”)**

It targets behaviour of offenders serving sentences for Murder and Related Offences. The programme aims to assist offenders to understand contributing factors towards aggressive behaviour. It further aims to create understanding of human behaviour and emotions as well as to motivate offenders to strive towards emotional intelligence by developing their own individual coping plans.

* **Robbery and Related Offences (“Change is possible”)**

The programme targets Robbery and Related Offences. The crime category of Robbery and Related Offences is an “umbrella” for all the following crimes (armed robbery hijacking aeroplane, hijacking truck, hijacking Motor Vehicle). The programme aims to assist the offender to develop insight into his/her own situation that contributed to the crime, to develop insight into the impact of the offence and thereafter to develop a personal plan with specific goals without any involvement in crime.

* **Pre-Release Programme**

The objective of the Pre-Release Programme is to prepare offenders for successful reintegration into society by providing them with skills and information to enable them to cope with possible challenges they may face after their release. The programme is compulsory to offenders with Correctional Sentence Planss who are to be released.

* **Programme for Female Offenders**

The programme is divided into four sub-programmes due to comprehensive information. It empowers women with general life skills like, emotional health and wellbeing, learning from own mistakes, parental skills and problem solving skills. It addressed addictive behavior, give knowledge about relationships and help offenders with information to build their careers.

The release of an offender on the expiry of his/ her sentence (unconditionally) is not the ideal manner of release for the majority of offenders because of the following:

* No management of risk takes place as the offender is released into the community without any control or supervision whatsoever, and
* No phased re-integration under controlled circumstances takes place with the result that support systems can easily fail however the Department of Correctional Services would have no mandate to provide further support.

Although some parolees have committed serious offences in the recent past, it should be noted that Community Corrections has a caseload of 52 736 parolees and probationers of which 99.27% are complying with their placement conditions.

**END**