



SUBMISSION BY THE CIVIL SOCIETY  
PRISON REFORM INITIATIVE (CSPRI) TO  
THE PORTFOLIO COMMITTEE ON  
CORRECTIONAL SERVICES ON THE  
DEPARTMENT OF CORRECTIONAL  
SERVICES ANNUAL REPORT 2008/9

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## Introduction

The Civil Society Prison Reform Initiative (CSPRI) is a project of the Community Law Centre at the University of the Western Cape and was established in 2003. CSPRI focuses on prisons and corrections, with the aim of improving the human rights situation in South African prisons through research-based lobbying and advocacy, and collaboration with civil society structures. By stimulating public debate and participation in government structures, the aim is to influence the development of appropriate human rights oriented transformation in South African Correctional Services. The objectives of CSPRI are:

- To develop and strengthen the capacity of civil society and the civilian institutions related to corrections to improve awareness of prison-related issues, in order to provide effective oversight on correctional matters
- To promote improved prison governance, based on the Constitution and on a human rights culture, in the South African context
- To promote the greater use of non-custodial sentencing in general, and correctional supervision in particular, as a mechanism for reducing overcrowding in prisons and as part of a commitment that imprisonment should be used as a sentence of last resort
- To improve reintegration services to prisoners to reduce the risk of recidivism.

## Positive developments in 2008/9

Since 2000 the DCS has embarked on an aggressive programme of systems and policy development aimed at transforming the Department. As slow and time consuming as this process may be, it remains CSPRI's position that this approach will bear fruit and improve governance and accountability. The effort and energy that senior management has spent on this is acknowledged and appreciated.

The reduction in qualifications on the audit is noted and the effort by senior management, despite many challenges in the past year to achieve this, is noted and acknowledged.

The Correctional Services Amendment Act recently came into force and CSPRI trusts that the amendments will be used optimally to improve the Department further, and especially conditions of detention and services rendered to the people placed in the Department's care.

## Meeting the minimum standards of humane detention

### Responding to concerns raised and recommendations made by the Judicial Inspectorate

In its 2008 submission on the DCS annual report, CSPRI raised a number of concerns regarding the conditions of detention, emanating from the 2007/8 annual report of the Judicial Inspectorate. These include that prisoners at 21 prisons of 93 surveyed were required to eat with their hands and were not issued with eating utensils and containers; at several prisons surveyed, prisoners were required to sleep on the floor, share beds with other prisoners or were issued with inadequate bedding; searches were conducted in a dehumanising manner and male prisoners are required to strip naked in front of staff and other prisoners with no privacy afforded, and so forth. The treatment of prisoners in this manner violates the requirements of the Correctional Services Act, the Constitution and obligations under international law. The DCS 2008/9 annual report is, however, silent on what steps the Department undertook to address the concerns raised by the Judicial Inspectorate. In fact, it appears that the DCS has ignored the Inspectorate and its recommendations entirely as no response is made in the annual report to any recommendations from the Judicial Inspectorate. CSPRI regards this as a very serious problem as it perpetuates a culture of impunity. Indicative of the apparent attitude that the DCS holds towards the Judicial Inspectorate is the Department's compliance with mandatory reports. The Judicial inspectorate has raised its concerns in this regard in previous annual reports and does so again in its 2008/9 annual report.<sup>1</sup> It is therefore submitted that the DCS must, in its future annual reports, report in detail on what steps have been taken to address concerns raised and recommendations made by the Judicial Inspectorate.

### Steps taken to create safe custody

In August 2009 three officials of the DCS were convicted of murder and sentenced to 20 years imprisonment after they had beaten three prisoners to death at the Krugersdorp prison in April 2007.<sup>2</sup> CSPRI supports sentences of this nature as it gives clear expression of the revulsion with which we must regard the crime of torture and murder. A further 34 officials are currently suspended after the death of a prisoner at the George prison in January 2009.<sup>3</sup> The Department reports that there were an estimated 1400 assaults and an estimated 64 unnatural deaths in 2008/9.<sup>4</sup> The Judicial Inspectorate, on the other hand, recorded 2884 complaints regarding

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<sup>1</sup> Judicial Inspectorate for Correctional Services (2009) *Annual report 2008/9*, Office of the Inspecting Judge, Cape Town, p. 23-31.

<sup>2</sup> Sunday Times, 5 August 2009, <http://www.timeslive.co.za/thetimes/article18725.ece>

<sup>3</sup> The Herald, 10 September 2009, <http://www.epherald.co.za/article.aspx?id=466822>

<sup>4</sup> Due to the fact that this information is presented as a ratio in the annual report, the ratio was calculated in reverse to estimate the actual number of deaths.

inmate-on-inmate assaults, 2010 complaints alleging official-on-inmate assaults, and a further 4223 complaints alleging “inhumane treatment”. The overall impression gleaned from these statistics is that the state cannot guarantee the safety of prisoners and that very often it is officials who are guilty of assaulting prisoners, and not infrequently, with fatal consequences.

South Africa ratified the UN Convention against Torture, Cruel, Inhuman and degrading Treatment or Punishment (UNCAT) in 1998 but has since then done very little to comply with its obligations under the Convention. The prevention and eradication of torture and other ill treatment is a fundamental responsibility of the state as the prohibition of torture carries the status of peremptory norm under international law. South Africa remains without legislation criminalising torture, as required by Article 4 of the CAT and the DCS has also not reported what steps it has taken to meet the obligations under Articles 10, 11 and 12 of UNCAT.<sup>5</sup> Based on the available information, it does not appear as if the DCS has a policy in place to prevent and eradicate torture and other ill treatment. In fact, it appears that the key concepts of UNCAT have not entered the policy jargon of the DCS.

In respect of unnatural deaths we share the deep concerns raised by the Judicial Inspectorate in its latest annual report and wholeheartedly support the proposal that every death in custody be thoroughly investigated. Deaths in custody have been raised by CSPRI in a number of successive submissions on the annual report and based on the reaction to date, it is concluded that the DCS does not regard it as a serious issue and is reluctant to meet its obligations under the Articles 12 and 13 UNCAT.<sup>6</sup>

The following are therefore noted:

- It is regarded as unacceptable that a significant number of prisoners die annually in South Africa’s prisons, from so-called unnatural and natural causes, and furthermore,

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<sup>5</sup> Article 10 (1) Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

(2) Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such person.

Article 11: Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

<sup>6</sup> Article 12: Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Article 13: Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

that virtually no information is made available in the public domain as to the causes, the investigations, prosecutions and conviction of perpetrators.

- The number of prisoners who have died in the care of the DCS is expressed in the annual report as a per 10 000 ratio against a similarly formulated target. The “target” for 2008/9 was 3.5/10 000 and the result was 3.9/10 000. This is managerial callousness at its coldest. The DCS should at least give the exact total and a summary of the apparent reasons; the progress and conclusion of investigations; findings, steps taken against officials and/or prisoners, and steps taken to prevent further deaths in custody.
- The number of assaults is also noted as a ratio, similar to deaths noted above, with a target of 92 per 10 000 and an actual of 83/10 000. However, little more information is provided as to the nature of these assaults; e.g. prisoners on prisoners; official on prisoner and so forth. Importantly, it is not known what is defined as an assault and it is submitted that the DCS clarifies this.
- In June 2008 the DCS hosted a roundtable discussion on sexual violence in prison. This was regarded as a positive step in dealing with a complex problem. It is, however, uncertain what has happened to this initiative or whether the DCS has any interest in reducing the prevalence of sexual violence amongst the prison population. It would be a regrettable situation if the Department’s attitude is perceived to be one of deliberate indifference.
- It is noted with extreme concern that the DCS incurred liabilities in excess of R988 million as a result of “Bodily injury/assault” (p. 148). This amount constitutes 74% of total claims against the department, being R1.76 billion. It is further noted that this amount increased more than ten-fold from the 2007/8 level of R81 million. This high amount is interpreted to be indicative of the Department’s failure to ensure safe custody to prisoners, but it is regrettably the tax payer that must foot the bill. CSPRI submits that a thorough investigation must be done of this situation and where officials are guilty in law of incurring these liabilities that the costs be recovered from them as provided for in the *Guidelines to the Public Finance Management Act*: “Losses or damages suffered by a department because of an act committed or omitted by an official must be recovered from the official if he or she is liable in law.”<sup>7</sup> This does, however, not absolve the Department from its primary responsibility, namely to ensure safe custody. The *Guidelines to the Public Finance Management Act* also states that “The accounting officer may write off losses or damages arising from criminal acts or omissions and other unavoidable causes if, after a thorough investigation, it is found that the loss or damage is irrecoverable. The Act requires all such write-offs to be disclosed in the annual report, and the policy adopted to be set out in a note to the annual financial statements.”<sup>8</sup> Annexure 3B and Annexure 4 (pp. 148-149) provide

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<sup>7</sup> National Treasury (2000) *Guide for Accounting Officers Public Finance Management Act*, National Treasury, Pretoria, p. 37.

<sup>8</sup> National Treasury (2000) *Guide for Accounting Officers Public Finance Management Act*, National Treasury, Pretoria, p. 38.

some information on liabilities and Recoverable Claims, but the “policy” referred to in the *Guidelines to the Public Finance Management Act* was not found in the annual report. Moreover, Annexure 4 does not provide information that would indicate that liabilities as a result of “Bodily injury/Assault” were recovered from officials who are liable in law.

## Inmate idleness

In the past two years there have been a number reports in the media and comments emanating from the Portfolio Committee on Correctional Services regarding the privileges inmates enjoy.<sup>9</sup> Of particular concern is the reported amount of time prisoners spend watching television. CSPRI is also concerned about this, but perhaps for slightly different reasons. The long hours that prisoners are exposed to television are indicative of inmate idleness and that inmates spend most of their time locked inside of the cells. The Inspecting Judge, in his 2008/9 annual report, again expressed his dismay about the fact that the majority of prisoners spend up to 23 hours a day in their cells.<sup>10</sup> This is a highly unnatural situation and cannot work towards meeting the minimum standards of humane detention. The jurisprudence of the European Court of Human Rights is instructive in this regard when it dealt with the case of *Kalashnikov v Russia* and expressed itself as follows regarding conditions of detention in finding a violation of Article 3<sup>11</sup> of the European Convention for Human Rights:

Moreover, on account of the acute overcrowding, the inmates in the applicant's cell had to sleep taking turns, on the basis of eight-hour shifts of sleep per prisoner. It appears from his request for release from custody on 16 June 1999, that at that time he was sharing his bed with two other inmates. Sleeping conditions were further aggravated by the constant lighting in the cell, as well as the general commotion and noise from the large number of inmates. The resulting deprivation of sleep must have constituted a heavy physical and psychological burden on the applicant. . . . Although the applicant was allowed outdoor activity for one or two hours a day, the rest of the time he was confined to his cell, with a very limited space for himself and a stuffy atmosphere.<sup>12</sup>

Idleness on this scale cannot be good for prisoners’ physical and mental health. Effectively prisoners are forced to watch television because there is little else to do. Moreover, they have no control over the television sets themselves as these are centrally controlled. It is submitted

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<sup>9</sup> See for example the Portfolio Committee meeting of 18 June 2008, PMG at <http://www.pmg.org.za/report/20080618-correctional-services-inmates-privilege-system-department-briefing>

<sup>10</sup> Office of the Inspecting Judge (2009) *Annual Report of the Judicial Inspectorate for Correctional Services*, Office of the Inspecting Judge, Cape Town, p. 16.

<sup>11</sup> Article 3 No one shall be subjected to torture or to inhuman or degrading treatment or punishment. (Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocol No. 11 with Protocol Nos. 1, 4, 6, 7, 12 and 13).

<sup>12</sup> *Kalashnikov v Russia*, Application no. 47095/99, para 97

that probably all prisoners do not want to be in their cells for 23 hours a day and would prefer to be engaged in meaningful activities and a structured day programme.

A closer inspection of the annual report notes some of the limited measures taken by the DCS to engage prisoners in meaningful activities:

- It is reported that 12 551 sentenced prisoners have sentence plans. This constitutes 11% of the sentenced population. As is required by the Correctional Services Act, the sentence plan stipulates how the offender will serve his sentence. However, in the absence of such a plan, it is not clear how offenders will be allocated to education programmes, work opportunities and so forth. The large scale absence of sentence plans contributes directly to offender idleness.
- It is reported (p. 51) that “146 393 offenders were involved in work opportunities”. However, the 2007/8 annual report states that “10 394 work opportunities were provided by other organisations and 9 780 by the department as at 31 December 2007” (p. 53). The 2008/9 annual report does not provide any explanation for the vast discrepancy between the two sets of figures and it is thus assumed that there must be an error or change in definitions. The 2007/8 figure creates a more realistic picture. It is also noted that the 2008/9 target refers to “108 000 work opportunities”, whereas the actual refers to “146 393 offenders”. It is of crucial importance that clarity is obtained about the extent of work opportunities and the level at which inmates are actively engaged in these. The annual report does not explain what a work opportunity is, e.g. one day of work or 365 days of work in a year. In view of this, the DCS needs to report more accurately and note not only the number of work opportunities, but also for how many days in a year that an inmate was actively engaged in the specified work opportunity.
- It is reported on p. 51 that 60 543 offenders were engaged in correctional programmes and that a large share of these services were rendered by NGOs and FBOs. The number of offenders benefitting from these services constitutes just more than 50% of the average in custody for the year. No information is, however, given about the nature and extent of these programmes. For example, this may have been a one-day programme or an intensive one-year programme. It is nonetheless concluded that nearly 50% of the sentenced population did not have access to correctional programmes. Again this contributes to inmate idleness.
- The situation in respect of production workshops is equally dire as shown in Table 1. In 1997 there were 6674 inmates involved in agriculture production, but by 2008/9 this has dropped by 55% to 2960. In 1997 there were 2359 inmates involved in production workshops and by 2008/9 this has dropped by 22% to 1834. The fact remains that whilst the DCS has adequate infrastructure in place to utilise inmate labour and impart useful skills, this capacity is severely underutilized. The extent of this was so severe that a virement had to be affected from the Development Programme to the Care Programme to make up for shortfalls in animal production (p.75).



**Table 1**

<b>Number of inmates involved in:</b>	<b>1997</b>	<b>2005</b>	<b>2007/8</b>	<b>2008/9</b>	<b>% Decrease 1997-2008/9</b>
Agriculture	6674	2741	2210	2960	-55.6
Production workshops	2359	2471	1757	1834	-22.3

- The extent to which the DCS is able to engage or facilitate engagement with education and training appears to be not only limited, but the situation is deteriorating, as shown in Table 2. In respect of four of the seven type of interventions there has been a decrease in the actual number of offenders participating in education and training. Particular concern is noted in respect of “Formal education” which dropped by 32%; “Mainstream education” that dropped by 70%; and “Correspondence training” that dropped by 18%. The overall number of inmates involved in education and training dropped by 12% in one year.

**Table 2**

<b>Development</b>	<b>2007/8</b>	<b>2008/9</b>	<b>%Increase/decrease</b>
Formal education	22096	15130	-31.5
Literacy tuition	1388	1440	3.7
ABET	10475	10101	-3.6
Mainstream education	9036	2679	-70.4
Computer training	170	227	33.5
Correspondence training	1027	846	-17.6
Skills development	41625	45020	8.2
<b>Total</b>	<b>85817</b>	<b>75443</b>	<b>-12.1</b>

It is CSPRI’s submission that the extent of inmate idleness is unacceptable and intolerable under our Constitution. Inmates are entirely dependent on officials for services, including opportunities to be engaged in constructive activities. Moreover, it is submitted the current situation amounts, at least, to “other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1”<sup>13 14</sup> of UNCAT.

<sup>13</sup> Article 1 For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

## The strategic objectives and the plan ahead

A review of the annual report shows that at least at numerical level the department's focus is heavily weighted towards the programme Administration. A total of 68 (or 53%) of the 126 targets noted in the annual report, resort under the programme Administration. On the one hand this demonstrates that the leadership of the department realises that to manage a large organisation such as DCS it is critically important to have good management and administration systems in place. However, it can also be said that such an imbalance can result, if it has not already, in over emphasising an inward focus in an organisation.

It has been noted in previous submissions made by CSPRI on the annual reports and budget votes, that the budget is skewed towards Administration and Security, while the programmes Corrections, Development, and Social Reintegration are allocated significantly smaller proportions of the budget. This imbalance needs to be corrected in order that the DCS aligns its budget to its strategic objectives, especially those described in the White Paper on Corrections in South Africa.

It is therefore noted with some concern in the annual report (p.15), with reference to budget reductions, that "In the Department the reductions included budgets for biometric installations and the White Paper money". The extent to which the implementation of the White Paper has been accurately costed remains uncertain, yet the Department's budget has increased dramatically in the past ten years and it is planned to increase further to R18 billion by 2011/12. Table 3 shows the proportional distribution of the DCS budget between the different programmes. From this it is evident that the largest share of the budget is allocated to the programmes Administration, Security, and Facilities. On the other hand, the share of the other programmes is shrinking.

**Table 3**

<b>R thousand</b>	<b>2003/4</b>	<b>2004/05</b>	<b>2005/06</b>	<b>2006/2007</b>	<b>2007/8</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>
1. Admin.	29.4	32.1	26.4	27.7	25.7	25.7	26.3	26.9	23.0
2. Security	33.9	30.7	31.7	31.7	33.6	33.9	33.4	33.5	27.8
3. Correct.	5.6	5.4	6.4	7.8	8.2	8.6	8.4	8.3	7.1
4. Care	9.6	8.2	10.7	11.8	11.4	11.5	12.0	12.2	10.8
5. Develop.	3.4	3.0	5.0	3.8	3.3	3.6	3.4	3.3	2.8
6. Soc. Reintegration	3.7	3.3	3.1	3.5	3.3	3.3	3.2	3.1	2.5

<sup>14</sup> Article 16 (1) Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

R thousand	2003/4	2004/05	2005/06	2006/2007	2007/8	2008/09	2009/10	2010/11	2011/12
7. Facilities	14.4	17.3	16.7	13.8	14.6	13.4	13.3	12.6	26.0
Total	100	100	100	100	100	100	100	100	100

The Department's budget should in its totality be geared towards the objectives of the White Paper and to state that "White Paper money" was reduced is misleading; it should not be something separate but integral to the Department's activities.

## Awaiting trial population

It is reported (p. 16) that cabinet has "given the responsibility for enhancing the system of managing remand detention to the DCS". Further that by 2009/10 the DCS is expected to "establish a fully fledged branch with own resources for management of remand detainees". It is furthermore reported (p. 51) that "A tool with baseline information was utilised by the Regions to monitor the implementation of relevant statutes of the Criminal Procedure Act (Act 51 of 1977) from 2008 to February 2009". However, no further information is provided on what the findings were of this monitoring.

In view of the above, it is submitted that the DCS must provide the Portfolio Committee with more information and clarification on how it will enhance the management of the awaiting trial population. More specifically, what the resource implications will be. In view of this we draw the Committee's attention to the following excerpts from the 2009/10 budget vote: "Key projects include establishing remand detention and social reintegration facilities, and procuring five public private partnership correctional centres and basic ICT infrastructure."<sup>15</sup> and "Over the MTEF period, funding will be used to implement the offender rehabilitation plan in correctional centres and establish remand detention facilities."<sup>16</sup> The conclusion is drawn that the DCS will embark on a programme of facilities construction for the awaiting trial inmate population. However, the systemic problems causing the high awaiting trial population as well as their lengthy stay in prison seems to evade attention. In the current economic climate extreme caution must be exercised when embarking on projects that can hold severe monetary implications. In short, more information and possibly more research are required to address the situation of awaiting trial inmates thoroughly. To embark on a project aimed at facilities construction may indeed be an expensive approach to a problem that requires a different solution.

## Environmental impact of the DCS

<sup>15</sup> National Treasury (2009) *Estimates of National Expenditure*, National Treasury, Pretoria, p. 391.

<sup>16</sup> National Treasury (2009) *Estimates of National Expenditure*, National Treasury, Pretoria, p. 398.

On p. 17 of the annual report, reference is made to “environmental considerations” and CSPRI is encouraged by the Department’s position in this regard, as well as the steps taken. The prison system consumes a vast quantity of resources in the form of energy, food, water and other consumables. Apart from the desire to save costs, an environmentally friendly agenda also needs to be pursued. In this regard we submit that the following needs to be investigated further by the DCS:

- The more extensive use of solar power to produce hot water and also for cooking purposes;
- The recycling of kitchen waste to create compost that can be used on prison farms or on-site in vegetable gardens;
- The use of bio-gas from human waste to create energy through methane gas;
- Ensuring that agricultural practices are in line with the principle of least possible harm to the environment.

## Staff compensation and performance management

Table 2.2 (p. 152) in the annual report presents the personnel costs by salary bands for the year under review. Table 4 below provides a comparison between DCS and the SA Police Service (SAPS) for two of the salary bands, namely Skilled and High Skilled. In the case of DCS, Highly Skilled employees constitute 66.5% of the salary budget and 52.1% in the case of SAPS.

**Table 4**

<b>Salary band</b>	<b>DCS Average cost per employee</b>	<b>SAPS Average cost per employee<sup>17</sup></b>
Skilled (levels 3-5)	R124 079	R102 000
Highly skilled production (levels 6-8)	R209 777	R196 000

The purpose of this comparison is to point out that compared to at least one other government department, DCS officials are paid better and that specifically “Highly Skilled Production” employees receive an acceptable remuneration package.<sup>18</sup>

The DCS has a total personnel expenditure budget of R7.9 billion and it is therefore critical to ensure that this significant expense, constituting the single largest share of the total budget, creates ‘value for money’. The steps taken by the DCS to implement a performance management system, as reported on pages 30-31, are thus noted and encouraged. The Department needs to be rigorous and unrelenting to ensure that all staff members perform

<sup>17</sup> SAPS (2009) *Annual Report 2008/9*, SAPS, Pretoria, p. 227

<sup>18</sup> Comparatively, a lecturer at the University of the Western Cape holding a Master’s Degree in 2008 earned a remuneration package starting at R252 889.

their work optimally and that low productivity is dealt with decisively. It is therefore noted with some concern that in a sample drawn at the Head Office to audit performance management performance agreements were signed in only 77% of cases; mid-term reviews were done in 63% of cases; and performance discussion meetings were held in only 57% of cases. A performance management system will only work if it is done with consistency and regularity. Failure to have performance discussion meetings with nearly half (43%) of employees will not enable the establishment of a performance management system as its application will be perceived to be arbitrary and consequently unfair. The DCS is encouraged to proceed rapidly with the full scale implementation of the performance management system.

## **Social re-integration programme**

The success of a prison system must ultimately be measured by its ability to contribute to public safety. An important dimension of this task is the reduction of re-offending after release from prison. The Social Reintegration Programme of the DCS is in many ways the culmination of all other efforts of the Department: it represents the final test for the ability to deliver on its mandate. The Correctional Services Act, in section 36, is therefore clear on this issue: "With due regard to the fact that the deprivation of liberty serves the purposes of punishment, the implementation of a sentence of imprisonment has the objective of enabling the sentenced prisoner to lead a socially responsible and crime-free life in the future." It is also well established by research that what happens after imprisonment, during the re-entry process, is critical in reducing the risk of re-offending and a return to prison. Post-release support of former prisoners is therefore the mechanism by which the investment through interventions prior to release are brought to fruition as it is in the daily reality of former prisoners where risks must be managed effectively.

The targets under the Social Reintegration Programme are focussed primarily on management and administration, and not one target articulates concretely post-release support services to parolees and probationers. Four targets under strategy F1.2 (p. 66-67) concerns the improved functioning of the Correctional Supervision and Parole Boards (CSPB). The nine targets under Strategy F1.3 (pp. 67-68) concerns the classification of parolees and probationers; the management of parole violations; the admission of offenders under various sections of the Criminal Procedure Act, and the development of guidelines for partnerships with service providers.

CSPRI's own research revealed that post-release offenders receive little, if any, support from the DCS or other stakeholders. The following summarises the issues:

Respondents were asked if they had approached any government department, non-governmental organisation, community based organisation or faith-based organisation for assistance with a particular problem following their release. With a few exceptions, none of the respondents knew where to seek assistance or knew of what type of assistance

may be available. Speaking to the DCS social worker at Community Corrections was mentioned by two respondents as being helpful in explaining their conditions of parole. One respondent went to The Haven for accommodation and was assisted. Two respondents reported that they wanted to go to Nicro and one reported that he had visited the Nicro offices in Mitchell's Plain. He was given a date to return but did not do so as he did not have money for transport. An Islamic community based-organisation provided one respondent with a caravan in which he and his wife now resides. In one case, the respondent's parole officer provided him with information on the venue and meeting times of the nearest Narcotics Anonymous group.

In summary, the overwhelming majority of respondents had not, over a two-month period (after their release), sought assistance from government departments or civil society organisations despite the wide range of challenges that they face upon release and the large number of organisations which would be able to provide assistance. Knowledge of such services presents a challenge as it is apparent that they were not aware of them nor were they directed to them prior to release or while on parole. The few respondents who were able to identify services, such as Nicro, explained that they do not have money for transport to the organisation's offices. It would appear that linking prisoners to resources prior to release would improve their knowledge and access to services.<sup>19</sup>

The following recommendations emanated from the research conducted by CSPRI:

- Successful re-entry will be improved if a comprehensive case management approach is followed that sees active involvement of the offender/parolee, officials, family members and community structures. Such an approach must be based on continuity in planning and monitoring from well before release until completion of parole/correctional supervision. In qualifying cases, such a release plan needs to be a natural product of the sentence plan.<sup>20</sup>
- The case management plan must identify and address specific risk factors in the individual's life that may place him at risk of re-offending.
- The DCS should develop a detailed data base of community-based resources that may be of assistance to all ex-prisoners. Prisoners who are about to be released should be properly briefed on the nature and locality of such services in their area of residence.
- Families of prisoners need to be prepared for release and made part of the re-entry process.

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<sup>19</sup> Muntingh L (2008) *Prisoner re-entry in Cape Town – an exploratory study*, CSPRI Research Report, CSPRI Research Report No. 14, Bellville, p. 42

<sup>20</sup> The Correctional Services Amendment Act states that only prisoners who are serving a sentence of 24 months or longer will have a sentence plan. Prior to the amendment prisoners serving a sentence of 12 months or longer qualified for a sentence plan.

- A more strategic and active approach needs to be implemented in respect of securing employment for released prisoners. This would address the following: ensuring that prisoners complete primary and secondary education as far as possible; training prisoners in marketable skills; linking (ex-)prisoners with potential employers; training prisoners in searching for employment; linking ex-prisoners with community-based resources that may assist them in finding employment; providing parolees and probationers with active support in securing employment, and assisting parolees and probationers with transport in their employment seeking efforts.
- Mental health assessments should be done during imprisonment and specifically prior to release. Prisoners should be made aware of symptoms of mental health problems and informed of available resources that are able to offer assistance.
- Substance abuse treatment must start prior to release and link individuals to community-based resources on an individual basis.
- Prisoners who are about to be released must undergo a thorough medical examination and receive the necessary services prior to release or be linked with the appropriate public health care services closest to them.
- Prior to release, it should be ensured that prisoners have an identity document. It should similarly be ensured that the prisoner and his family have access to social security benefits if they qualify.
- Parolees and probationers need to be properly educated about their community corrections conditions as well as problem-solving in this regard.
- A review of community corrections monitoring is required to investigate measures to remove hurdles to securing employment.
- Parolees and probationers should be compelled to participate in regular community-based support and development activities with a view to develop pro-social networks and access assistance.

To conclude, and repeat the submission made on the 2007/8 annual report in respect of the social reintegration programme, it is noted that fundamental to measuring the performance of this programme are the following:

- The number of prisoners and ex-prisoners who have participated in services preparing them for release
- The number of parolees and probationers who have been placed in or found employment while under community corrections
- The number of offenders under community corrections who have participated in various post-release support programmes
- The number of parolees and probationers who have been returned to prison for violations and for further offences
- Trends in the use of non-custodial sentences
- The use of day parole as a re-entry mechanism.

END