

**PAROLE SUPERVISION: A PENOLOGICAL PERSPECTIVE**

by

**THAMSANQA ELISHA NXUMALO**

submitted in fulfilment of the requirements for  
the degree of

**MASTER OF ARTS**

in the subject

**PENOLOGY**

at the

**UNIVERSITY OF SOUTH AFRICA**

**SUPERVISOR: PROF C H CILLIERS**

**JOINT SUPERVISOR: MRS M OVENS**

**NOVEMBER 1997**

## TABLE OF CONTENTS

ACKNOWLEDGEMENTS.....	I
SUMMARY.....	II

### CHAPTER 1

#### GENERAL ORIENTATION

<u>PARAGRAPH</u>	<u>TOPIC</u>	<u>PAGE</u>
1	INTRODUCTION.....	1 - 3
1.1	THE RATIONALE FOR CHOOSING THE SUBJECT.....	3
1.2	AIMS AND PURPOSE OF THE STUDY.....	4
1.3	METHODS AND TECHNIQUES.....	4
1.3.1	OBSERVATION TECHNIQUE.....	4
1.3.2	DOCUMENTARY STUDIES.....	5 - 7
1.4	DESCRIPTION OF CONCEPTS.....	7
1.4.1	KEY CONCEPTS.....	7
1.4.1.1	Parole.....	7 - 8
1.4.1.2	Supervision.....	9
1.4.1.3	Reintegration.....	9 - 10
1.4.1.4	Treatment.....	10
1.4.1.5	Parolee.....	10 - 11
1.4.1.6	Classification.....	11
1.4.1.7	Volunteers.....	11
1.4.1.8	Community Corrections.....	11 - 12
1.4.1.9	Probation.....	13
1.4.1.10	Parole Board.....	13
1.5	SUMMARY.....	13 - 14

CHAPTER 2  
THE HISTORICAL EVOLUTION OF RELEASE  
POLICIES

<u>PARAGRAPH</u>	<u>TOPIC</u>	<u>PAGE</u>
2	INTRODUCTION.....	15 - 16
2.1	DISTINCTION BETWEEN PAROLE AND PROBATION.....	16 - 18
2.2	THE THEORIES OF PAROLE.....	18
2.2.1	GRACE THEORY.....	18
2.2.2	CONTRACT THEORY.....	18
2.2.3	CUSTODY THEORY.....	18 - 19
2.3	THE ORIGINS OF PAROLE.....	19
2.3.1	THE POLICY OF TRANSPORTATION/ CONDITIONAL PARDON AND INDENTURE.....	19 - 22
2.3.2	THE TICKET-OF-LEAVE : AUSTRALIA, ENGLISH AND IRISH EXPERIENCES.....	22 - 27
2.4	RELEASE POLICIES : A COMPARATIVE STUDY.	27
2.4.1	RELEASE POLICY IN AUSTRALIA.....	27 - 29
2.4.2	RELEASE POLICY IN BRITAIN.....	29 - 31
2.4.3	RELEASE POLICY IN FRANCE.....	31 - 32
2.4.4	RELEASE POLICY IN SCANDINAVIAN COUNTRIES.....	32 - 33
2.4.4.1	Finland.....	33
2.4.4.2	Denmark.....	33
2.4.4.3	Sweden.....	34
2.4.5	RELEASE POLICY IN CANADA.....	34 - 36
2.4.6	RELEASE POLICY IN SOUTH AFRICA.....	36
2.4.6.1	Historical Overview.....	36 - 39
2.4.6.2	The System of Credits.....	39 - 41
2.4.6.3	Correction Supervision System.....	41 - 44
2.4.6.4	The New Release Policy in South Africa.....	44

CHAPTER 2

<u>PARAGRAPH</u>	<u>TOPIC</u>	<u>PAGE</u>
2.4.6.4.1	Special Remission of Sentence or Amnesty.....	45
2.4.6.4.2	Prisoners in system after the implementation of New Policy.....	45
2.4.6.4.3	Parole Boards.....	45
2.4.6.4.4	Structure of Parole Boards.....	46
2.4.6.4.5	Procedures of Board.....	47
2.4.6.4.6	Short-term Prisoner.....	47 - 48
2.5	THE APPLICATION OF PAROLE CONDITIONS IN OTHER COUNTRIES.....	48
2.5.1	PAROLE CONDITIONS IN THE IRISH SYSTEM.....	48 - 49
2.5.2	PAROLE CONDITIONS IN THE ENGLISH SYSTEM.....	49
2.5.3	PAROLE CONDITIONS IN THE UNITED STATES.	49 - 51
2.5.4	PAROLE CONDITIONS IN THE SOUTH AFRICAN SYSTEM.....	51 - 53
2.5.5	GENERIC CONDITIONS OF PAROLE.....	53 - 54
2.6	CRITICISMS OF PAROLE POLICY.....	54 - 56
2.7	ADVANTAGES OF THE PAROLE POLICY.....	56 - 57
2.8	SUMMARY.....	57 - 58

364.62 NXUM

UNISA	
BIBLIOTECA LIBRARY	
Class	1998-08-01
Klas	.....
Access	.....
Aanwin	.....



CHAPTER 3  
THE LEGAL ASPECTS IN THE PAROLE  
PROCESS

<u>PARAGRAPH</u>	<u>TOPIC</u>	<u>PAGE</u>
3	INTRODUCTION.....	59 - 60
3.1	PAROLE OBJECTIVES.....	60 - 61
3.2	SENTENCING PRACTICES AND PAROLE.....	61
3.2.1	INTRODUCTION.....	61 - 62
3.2.2	MANDATORY SENTENCING.....	62
3.2.3	PRESUMPTIVE SENTENCING.....	62
3.2.4	SENTENCING GUIDELINES.....	62 - 63
3.2.5	SENTENCE ENHANCEMENT.....	63
3.3	ADMINISTRATIVE STRUCTURES OF PAROLE....	63 - 64
3.3.1	THE INSTITUTIONAL MODEL.....	64
3.3.2	THE AUTONOMOUS MODEL.....	64 - 65
3.3.3	THE CONSOLIDATED MODEL.....	65 - 66
3.3.4	FUNCTIONS OF THE PAROLE BOARD.....	66
3.4	THE GRANTING PROCESS.....	66
3.4.1	ELIGIBILITY FOR PAROLE.....	67 - 68
3.4.2	PRE-PAROLE REPORT.....	68 - 69
3.4.3	STANDARDS FOR GRANTING PAROLE.....	69 - 70
3.4.4	PAROLE HEARINGS.....	70 - 71
3.4.5	PROCEDURAL GUIDELINES.....	72
3.4.6	PAROLE DECISION-MAKING : REQUIREMENTS.	72 - 73
3.4.6.1	Parole Plan.....	73
3.4.6.2	Presumptive Dates of Parole.....	73 - 74
3.4.6.3	Prediction Techniques.....	74 - 75
3.4.6.4	Citizen Input into the Parole Decision.....	75 - 76
3.4.6.5	Aggravating and Mitigating Factors.....	76

CHAPTER 3

<u>PARAGRAPH</u>	<u>TOPIC</u>	<u>PAGE</u>
3.4.6.5.1	Aggravating Factors.....	77
3.4.6.5.2	Mitigating Factors.....	77 - 78
3.4.6.6	Remorse.....	78 - 79
3.4.6.7	Parole Denial.....	79
3.4.6.8	Discretion.....	79 - 80
3.4.7	LEGAL REQUIREMENTS FOR PAROLE CONDITIONS.....	80
3.4.7.1	Introduction.....	80 - 81
3.4.7.2	Basic Requirements of a <u>Probation/Parole</u> Condition.....	81 - 82
3.4.7.3	Classification of Parolees and Standards of → Supervision.....	82
3.4.7.3.1	— Maximum/Intensive Supervision.....	82 - 83
3.4.7.3.2	— Medium/Moderate Supervision.....	83
3.4.7.3.3	Minimum Supervision.....	83 - 84
3.5	THE REVOCATION PROCESS.....	84
3.5.1	FACTORS INFLUENCING THE OFFICER'S DECISION TO REVOKE.....	84 - 86
3.5.2	REVOCATION REQUIREMENT.....	86 - 87
3.6	ATTITUDES AND EXPECTATIONS.....	87
3.6.1	PUBLIC ATTITUDES.....	87 - 90
3.6.2	PAROLEES EXPECTATIONS.....	90
3.6.3	ATTITUDE OF PAROLE OFFICERS.....	90 - 91
3.6.3.1	The Punitive.....	91
3.6.3.2	The Welfare Worker.....	92
3.6.3.3	The Paternal.....	92
3.6.3.4	The Passive.....	92
3.7	SUMMARY.....	92 - 93

## CHAPTER 4

### PREPARING THE OFFENDER FOR THE COMMUNITY

<u>PARAGRAPH</u>	<u>TOPIC</u>	<u>PAGE</u>
4	INTRODUCTION.....	94 - 95
4.1	SENTENCING PURPOSE.....	95
4.1.1	RETRIBUTION.....	95 - 98
4.1.2	DETERRENCE.....	98 - 99
4.1.3	INCAPACITATION.....	100 - 101
4.1.4	REHABILITATION.....	101 - 103
4.2	CLASSIFICATION AND RECEPTION OF INMATES.....	103
4.2.1	INTRODUCTION.....	103 - 104
4.2.2	CLASSIFICATION PURPOSES.....	104 - 106
4.2.2.1	Rehabilitation and Classification.....	106 - 107
4.2.2.2	Training and Classification.....	107
4.2.2.3	Safe-custody and Classification.....	107 - 109
4.2.2.4	Parole Classification.....	109 - 110
4.3	PRISON PROGRAMMES.....	110
4.3.1	INTRODUCTION.....	110 - 111
4.3.2	EDUCATIONAL PROGRAMMES.....	111 - 114
4.3.3	LIBRARIES.....	114 - 115
4.3.4	VOCATIONAL PROGRAMMES.....	115 - 117
4.3.5	WORK PROGRAMMES.....	118
4.3.5.1	Introduction.....	118
4.3.5.2	Day-to-Day Service.....	118 - 119
4.3.5.3	Vocational Training.....	119
4.3.5.4	Agricultural Activities.....	119 - 120
4.3.5.5	Camp Programmes.....	120
4.3.5.6	Industrial Production.....	120 - 121

CHAPTER 4

<u>PARAGRAPH</u>	<u>TOPIC</u>	<u>PAGE</u>
4.3.6	RECREATION AND INMATES ACTIVITIES.....	121
4.3.6.1	Introduction.....	121
4.3.6.2	Recreation Facilities.....	121 - 122
4.3.6.3	Inmates Leisure Time.....	122 - 123
4.3.7	RELIGIOUS SERVICES.....	123
4.3.7.1	Introduction.....	123
4.3.7.2	Chaplain's Role.....	123 - 124
4.3.8	SOCIAL SERVICES.....	124
4.3.8.1	Introduction.....	124 - 125
4.3.8.2	Treatment Programmes.....	125 - 126
4.3.9	MEDICAL AND HEALTH SERVICES.....	126
4.3.9.1	Introduction.....	126
4.3.9.2	Initial Phase.....	126 - 127
4.3.9.3	The Sick Call in Prison.....	127 - 128
4.3.9.4	Emergency Calls.....	128
4.4	THE ROLE OF THE CORRECTIONAL OFFICER...	128
4.4.1	INTRODUCTION.....	128
4.4.2	RESPONSIBILITIES OF THE CORRECTIONAL OFFICER.....	128 - 130
4.4.3	CORRECTIONAL OFFICER'S TRAINING.....	130 - 131
4.4.3.1	Training Goals.....	132
4.4.3.2	Benefits of Training.....	132 - 133
4.5	INMATES RULES AND DISCIPLINE.....	133
4.5.1	INTRODUCTION.....	133
4.5.2	OBJECTIVES OF PRISON DISCIPLINE.....	133 - 135
4.5.3	PRISON RULES.....	135 - 136
4.5.4	DISCIPLINARY PROCEDURE.....	136 - 137
4.5.5	FORMAL SANCTIONS.....	137

CHAPTER 4

<u>PARAGRAPH</u>	<u>TOPIC</u>	<u>PAGE</u>
4.5.5.1	Petty Offences.....	137
4.5.5.2	Serious or "repeated" Offences.....	138
4.5.6	VIOLATION OF LAW.....	138
4.6	INMATES BASIC NEEDS.....	139
4.6.1	FOOD SUPPLIES.....	139
4.6.2	LAUNDRY PROGRAMMES.....	139 - 140
4.6.3	HYGIENE PROGRAMMES.....	140
4.7	PREPARATION FOR RELEASE.....	140
4.7.1	PRE-RELEASE PROGRAMMES.....	140 - 141
4.7.1.1	Furloughs.....	142 - 143
4.7.1.2	Work-Release.....	143 - 144
4.7.1.3	Educational Release.....	144 - 145
4.7.1.4	Halfway-Houses.....	145 - 146
4.7.2	THE INSTITUTIONAL PAROLE OFFICER'S ROLE	146 - 147
4.7.3	THE FIELD PAROLE OFFICER'S ROLE.....	147 - 149
4.8	SUMMARY.....	149

CHAPTER 5

## COMMUNITY INVOLVEMENT IN PAROLE

<u>PARAGRAPH</u>	<u>TOPIC</u>	<u>PAGE</u>
5	INTRODUCTION.....	150
5.1	WHAT IS A VOLUNTEER.....	150 - 151
5.1.1	THE CHARACTERISTICS OF THE VOLUNTEERS.....	151 - 153
5.1.2	VOLUNTEER ROLES AND TASKS.....	153 - 156
5.1.3	THE MEANING OF VOLUNTEER WORK.....	156 - 157
5.2	CITIZEN PARTICIPATION IN COMMUNITY CORRECTIONS.....	157 - 159
5.2.1	POLICY MAKING.....	159 - 161
5.2.2	REFORM EFFORTS.....	161 - 162
5.2.3	DIRECT SERVICE ROLES.....	162
5.3	VOLUNTEERS IN COMMUNITY CORRECTIONS..	162
5.3.1	HISTORICAL PERSPECTIVE.....	162 - 164
5.3.2	VOLUNTEERING AND SOCIETY.....	164
5.3.2.1	The Volunteer Boom.....	164 - 165
5.3.2.2	Volunteering in the 1980s.....	165
5.3.2.3	Volunteering in the 1990s.....	165 - 166
5.4	SERVICE ROLES FOR THE CORRECTIONAL VOLUNTEER.....	166
5.4.1	ORIGINS OF VOLUNTEERS IN PAROLE.....	166 - 167
5.4.2	DECLINE IN THE USE OF VOLUNTEERS.....	167
5.4.3	REVIVAL OF VOLUNTARISM IN PAROLE.....	167
5.4.4	USE OF VOLUNTEERS.....	168 - 170
5.4.5	ORGANISATIONS THAT USE VOLUNTEERS.....	170 - 171
5.4.6	VOLUNTEERS IN PAROLE.....	171
5.5	REASONS OR REVIVAL OF VOLUNTEER PROGRAMMES.....	171

CHAPTER 5

<u>PARAGRAPH</u>	<u>TOPIC</u>	<u>PAGE</u>
5.5.1	EXCESSIVE CASELOADS.....	171 - 172
5.5.2	INADEQUATE FINANCES.....	172
5.6	ADVANTAGES AND DISADVANTAGES OF VOLUNTEER PROGRAMMES.....	173
5.6.1	ADVANTAGES.....	173 - 174
5.6.2	DISADVANTAGES.....	174 - 175
5.7	ADVANTAGES OF VOLUNTEER SERVICES.....	175 - 178
5.8	VOLUNTEER PROGRAM OPERATION.....	179 - 180
5.8.1	INITIAL PLANNING.....	180 - 184
5.8.2	RECRUITING.....	184 - 186
5.8.3	SCREENING.....	186 - 188
5.8.4	TRAINING.....	188 - 190
5.8.5	PURPOSE OF TRAINING.....	190 - 191
5.8.6	JOB PLACEMENT.....	191 - 194
5.8.7	THE VOLUNTEER BODIES.....	194 - 195
5.8.8	VOLUNTEERS AND THE STAFF.....	195 - 196
5.8.9	SOCIAL WORKERS AND VOLUNTEERS COMPARED.....	196 - 197
5.9	PARA-PROFESSIONALS AND EX-OFFENDERS IN CORRECTIONS.....	197
5.10	SUMMARY.....	198

CHAPTER 6  
PAROLE SUPERVISION

<u>PARAGRAPH</u>	<u>TOPIC</u>	<u>PAGE</u>
6	INTRODUCTION.....	199
6.1	JUSTIFICATION OF PAROLE SUPERVISION.....	199 - 200
6.2	THE GEORGIA MODEL OF PAROLE SUPERVISION.....	201
6.3	THE SOUTH AFRICAN MODEL OF PAROLE SUPERVISION.....	201 - 202
6.3.1	PRECONDITIONS FOR SUCCESSFUL SUPERVISION.....	202
6.3.1.1	Community Involvement and Acceptance.....	202 - 203
6.3.1.2	Courts should have confidence in the System.....	203
6.3.1.3	Community Stability.....	203 - 204
6.3.1.4	Availability of Employment.....	204
6.3.1.5	Compliance with International Standards.....	204 - 206
6.4	MANAGEMENT OF PAROLE SUPERVISION.....	206
6.4.1	THE NEED FOR IMMEDIATE CONTACT WITH OFFENDER.....	206 - 207
6.4.2	EARLY CONTACT ACTIVITIES.....	208
6.4.3	CONSEQUENCES OF DELAY IN ESTABLISHING CONTACT.....	208
6.5	THE PAROLE SUPERVISION PROGRAMME.....	209
6.5.1	PARTICIPATION OF OFFENDERS IN PAROLE PROGRAMMES.....	209 - 210
6.5.2	APPROACH TO PAROLE PLANS.....	210 - 211
6.5.2.1	Stage one.....	211
6.5.2.2	Stage two.....	211
6.5.3	CRITERIA FOR EFFECTIVE RELEASE CONDITIONS.....	212
6.5.4	CURRENT TREND IN RELEASE REQUIREMENT.....	212 - 213

CHAPTER 6

<u>PARAGRAPH</u>	<u>TOPIC</u>	<u>PAGE</u>
6.5.4.1	Standard Conditions.....	213
6.5.4.2	Additional Conditions Optional.....	213
6.5.5	STYLES OF SUPERVISION.....	214 - 215
6.5.5.1	The Legal Significance for Supervision.....	215 - 216
6.5.5.2	Elements of Correctional Supervision.....	216
6.5.5.2.1	House Arrest.....	216 - 218
6.5.5.2.1.1	Advantages of House Arrest.....	218
6.5.5.2.1.2	Disadvantages of House Arrest.....	218 - 219
6.5.5.3	Appropriate amount of supervision.....	219
6.5.5.4	Basic levels or degrees of Supervision.....	219
6.5.5.4.1	Maximum Intensive Supervision.....	220 - 222
6.5.5.4.2	Small Caseloads.....	222
6.5.5.4.3	Medium Intensive Supervision.....	223
6.5.5.4.4	Minimum Intensive Supervision.....	223 - 224
6.5.5.4.5	Shifts in Levels of Supervision.....	224 - 225
6.5.5.4.6	Case Promotion.....	226
6.5.5.4.7	Case Demotion.....	226
6.5.5.5	Underlying problems in complying with Conditions of Release.....	226
6.5.5.5.1	Deteriorating family situation.....	226 - 227
6.5.5.5.2	Deteriorating financial or occupational Situation.....	227
6.5.5.6	House Arrest and Justice.....	227 - 228
6.6	ELECTRONIC MONITORING OF OFFENDERS.....	228 - 230
6.6.1	ELECTRONIC MONITORING EQUIPMENT.....	230
6.6.1.1	Purpose.....	230 - 233
6.6.2	CONSTITUTIONAL ISSUES IN THE USE OF ELECTRONIC SURVEILLANCE.....	233 - 234
6.6.2.1	The Right to Privacy.....	234
6.6.2.2	The Right to be Protected Against.....	234 - 235

CHAPTER 6

<u>PARAGRAPH</u>	<u>TOPIC</u>	<u>PAGE</u>
6.6.2.3	The Right to be Protected from Illegal Search and Seizure.....	235
6.6.2.4	The Right to Equal Protection under the Law.....	235 - 236
6.6.2.5	The Right to be free from Cruel and Unusual Punishment.....	236 - 237
6.6.3	ADVANTAGES OF ELECTRONICALLY MONITORED HOME CONFINEMENT.....	237 - 239
6.6.4	CRITICISMS OF ELECTRONICALLY MONITORED HOME CONFINEMENT.....	239 - 240
6.6.5	MEASURING THE SUCCESS OF ELECTRONIC MONITORING.....	240
6.6.6	THE FUTURE OF ELECTRONICALLY MONITORED HOME CONFINEMENT.....	241 - 242
6.6.7	ELECTRONIC MONITORING IN SOUTH AFRICA..	242 - 243
6.6.7.1	Tracing of Absconders.....	243 - 244
6.6.7.2	Caseloads.....	244
6.7	SUMMARY.....	244

CHAPTER 7

## FINDINGS AND RECOMMENDATIONS

<u>PARAGRAPH</u>	<u>TOPIC</u>	<u>PAGE</u>
7.1	INTRODUCTION .....	245 - 246
7.2	SENTENCING PRACTICES .....	246
7.2.1	MANDATORY SENTENCING .....	246
7.2.2	PRESUMPTIVE SENTENCING .....	247
7.3	IMPLEMENTATION OF COMMUNITY-BASED SENTENCING OPTIONS .....	248 - 249
7.4	COMMUNITY INVOLVEMENT IN CORRECTIONAL PROGRAMMES .....	249 - 250
7.5	CONCLUSION .....	250

ANNEXURES

<u>ANNEXURE</u>	<u>TOPIC</u>	<u>PAGE</u>
A	INMATE WORK RELEASE APPLICATION.....	251 - 253
B	INMATE STATEMENT OF INTENT.....	254
C	CONDITIONS OF WORK RELEASE AGREEMENT	255 - 256
D	INMATE WORK RELEASE PLAN AGREEMENT....	257 - 258
E	EMPLOYER'S WORK RELEASE AGREEMENT.....	259 - 260
F	PAROLE PROCEDURE.....	261
G	CRITERIA FOR SECURITY CLASSIFICATION OF INMATES.....	262
H	NOTICE OF PAROLE PANEL ACTION.....	263 - 264
I	RULES AND CONDITIONS OF MANDATORY SUPERVISION OF PROBATIONER AND PAROLEES.....	264 - 266
J	EXAMPLE OF CALCULATION OF TIME SERVED WITH A PAROLE RELEASE.....	267

BIBLIOGRAPHY

<u>TOPIC</u>	<u>PAGE</u>
BOOKS .....	268 - 281
JOURNALS .....	282 - 283
ACTS OF PARLIAMENT .....	284
PRISON MAGAZINES .....	284
REPORTS .....	284
NEWSPAPER .....	284
CORRECTIONAL SERVICE ORDERS .....	284

## ACKNOWLEDGEMENT

There is always one piece of work, in the complex work lives we all inhabit, that tests our loyalty and devotion beyond reasonable limits. The creation of this dissertation without good co-operation, help and encouragement from other people, could have been a massive task. I, therefore, owe a debt of gratitude to many colleagues and friends from whom I have learned so much over the years. To list them all would be impossible, but two deserve special mention: Amon Lemmy Hlongwane and Ephraim Nkosi; for their support. I particularly wish to thank professor Charl Cilliers : Head of Penology : UNISA for sharing with me experience and expertise that brought this dissertation to fruition.

There is no question that completing a dissertation is a lengthy proposition which requires a large amount of time and in effect, this large amount of time end up being subtracted from family time.

Thanks to my family, particularly my wife Phumelele, for putting up with my midnight mess on the dining room table and for many evenings of abandonment.

Finally, my gratitude to Elize Novella for accurate and perfect typing.

This work is dedicated to my family.

## SUMMARY

The purpose of Parole Supervision is in twofold, namely:

- ▶ The successful reintegration of the offender to the community; and
- ▶ The protection of the community against further criminal behaviour by parolees.

The Department of Correctional Services endeavours to achieve the above mentioned objectives through stringent placement criteria and individualized parole conditions, and intensive supervision by surveillance officials of community corrections and volunteers.

**TITLE OF DISSERTATION : PAROLE SUPERVISION A PENOLOGICAL  
PERSPECTIVE**

**KEY TERMS : PAROLE; PAROLEE; CLASSIFICATION;  
VOLUNTEERS; COMMUNITY CORRECTIONS;  
PROBATION; TREATMENT; SUPERVISION;  
REINTEGRATION; PAROLE BOARD.**

CHAPTER 1GENERAL ORIENTATION

1

INTRODUCTION

It is a remarkable fact that little has been written in South Africa about Parole and Community Corrections. Most investigations dealing with the aftercare of offenders released on probation, focus their attention on Juvenile Delinquents.

In this dissertation the researcher examines parole as a process oriented towards the reintegration or readjustment of the individual adult offender in society. Considerable space is given to the role of the correctional officers in the preparation of the offender for the community. This is followed by the role played by volunteers and para-professionals in the treatment and development of offenders during and after parole period.

According to *Cilliers [1980 : 9]*, "*moet daar tog perke aan die ondersoek gestel word.*" Therefore, in this chapter, the following aspects will be discussed, namely: The Rationale for choosing the Subject, Aims and Purpose of the Study, Demarcation of the Study, Approach to the Study and Definition of the Main Concepts. The ordering of the chapters is designed as to promote the unfolding of the research in a logical sequence.

CHAPTER 1GENERAL ORIENTATION1 INTRODUCTION

It is a remarkable fact that little has been written in South Africa about Parole and Community Corrections. Most investigations dealing with the aftercare of offenders released on probation, focus their attention on Juvenile Delinquents.

In this dissertation the researcher examines parole as a process oriented towards the reintegration or readjustment of the individual adult offender in society. Considerable space is given to the role of the correctional officers in the preparation of the offender for the community. This is followed by the role played by volunteers and para-professionals in the treatment and development of offenders during and after parole period.

According to Cilliers [1980 : 9], "*moet daar tog perke aan die ondersoek gestel word.*" Therefore, in this chapter, the following aspects will be discussed, namely: The Rationale for choosing the Subject, Aims and Purpose of the Study, Demarcation of the Study, Approach to the Study and Definition of the Main Concepts. The ordering of the chapters is designed as to promote the unfolding of the research in a logical sequence.

In chapter one, the Methodological Account is provided and such basic issues as what is to be researched, the desirability of such research and how the research is undertaken, are dealt with.

Chapter Two deals briefly with the History of Parole. Apart from the historical evolution of parole, and attempt is made to determine if rehabilitation and social protection as operational goals of parole, are achieved.

Chapter Three introduces the reader into the Legal Aspects in the Parole Process. We discuss current issues that Parole Boards face, but also indicate the direction that parole will take in the years to come, particularly in South Africa.

In chapter Four the Treatment of Offenders in Preparation for Parole is sighted. As indicated above, the view is adopted here that parole is a continuous process that begins from admission of an offender into a correctional institution up to the reintegration to society and supervision by parole officers. The process of classification will be discussed. The contributions made by religious workers, social workers, educationists, psychologists and other professionals in the preparation of the offender for parole is considered.

Chapter Five deals with the Role of Volunteers and Para-professionals in

the treatment and training of offenders.

Chapter 6 is devoted in discussion about the theme of this dissertation, namely: Parole Supervision. Obviously, it is believed that this chapter will be of primary importance to parole administrators, parolees themselves, and parole officers in the field. This chapter contains the findings and recommendations by the researcher at the end.

#### 1.1 **THE RATIONALE FOR CHOOSING THE SUBJECT**

The selection of an appropriate topic for investigation is important [Johnson, 1981 : 15]. One of the most important decisions a researcher must make, is the choice of the research design - a plan of how to conduct research and collect data [Sullivan, et al. 1980 : 46].

The researcher has been influenced by the following considerations in choosing the present research:

- ▶ Parole and Correctional Supervision is attracting more and more attention within and outside the Department of Correctional Services
- ▶ The desire to bring about new findings and recommendations based on international experiences of which, if taken into consideration, will bring an improvement to the paroling system and supervision in the South African Prison System.

## 1.2 AIMS AND PURPOSE OF STUDY

The primary purpose underlying penological investigation in general is, inter alia, knowledge and insight into the parole phenomenon with a view to the application of such acquired knowledge.

There is a continual demand that additional data, knowledge and information be made available for all persons responsible for the handling of inmates, inside and outside correctional institutions.

The researcher, therefore, aims at presenting a scientific exposition of parole and parole supervision as practised in South Africa and abroad.

By the same token, *Cilliers [1980 : 4]*, states that the purpose of research is "*Kennis en insig met betrekking tot die vraagstuk wat bestudeer word, te bekom*".

## 1.3 METHODS AND TECHNIQUES

### 1.3.1 OBSERVATION TECHNIQUE

The researcher visited some parolees' places of residence in Gauteng Province with the aim of observing Electronic Monitoring System as a pilot project and evaluate conditions under which they live and conduct themselves. By observational studies is meant that the researcher observes a specific phenomenon personally and scientifically [*Van der*

### 1.3.2 DOCUMENTARY STUDIES

*“By die keuse van ‘n onderwerp is dit noodsaaklik om vooraf vas te stel of die ondersoek prakties uitvoerbaar gaan wees en in hierdie opsig speel die beskikbaarheid van gegewens ‘n belangrike rol” [Neser, 1980 : 9].*

The nature of the subject dictates that the most appropriate source of information be a documentary one. This study involved a wide range of documentation, like text books, periodical articles, theses, international dissertation abstracts, parliamentary reports and newspapers [De Villiers, 1980 : 7, Swart, 1992 : 9 - 10 and Sullivan et al, 1987 : 92].

Such documentation serve as an aid to assimilate knowledge and to verify the acquired knowledge. *Ndabandaba [1987 : 5]*, contends that an important aspect of the preparation for research consists of the use of literature. Every serious piece of research includes a review of relevant literature. Therefore, data collection forms an important part of any research proposal, because it does not only give a description of what data will be collected; it also constitutes the basic information from which conclusions will be drawn [*Monette et al, 1990 : 11*].

It is important to note that since collection of data is such a vital step in

*Moss [1988 : 440]*, states that a description of data gathering procedures that covers specific techniques that will be used, should be clearly stated. Therefore, the researcher should become thoroughly acquainted with the university library, the location of its varied facilities, and the services it provides. In addition to the traditional card catalogue, many university libraries have computerized their holdings and have placed terminals in various locations for ease of finding books and periodicals [*Best and Kahn, 1993 : 47*].

Equally important, therefore, is the fact that the researcher should keep the reader constantly aware of the manner in which the literature which is discussed, is related to the researcher [*Leady, 1993 : 93*].

*Ary, et al, [1985 : 369]*, states that the literature review achieves the following purposes, namely:

- ▶ It demonstrates that the researcher of the study has mastered the available literature
- ▶ Demonstrates similarities between the proposed study and past research findings of similar studies
- ▶ Demonstrates differences
- ▶ Discusses how the proposed investigation will contribute to the

knowledge of the penology profession

- ▶ Supports and interacts with the conceptual work
- ▶ Demonstrates the reasons for the selection of a particular method.

From the above considerations it appears that the literature review is done with a view to familiarise the researcher with the current state of knowledge.

A bibliography at the end of the study reveals the documentary sources utilised in this study project. For any subject in a research project, the study of documentary, written data is very important [*Van der Walt et al, 1977 : 212*].

#### 1.4 **DESCRIPTION OF CONCEPTS**

For the purpose of this study, the following concepts are defined:

##### 1.4.1 **KEY CONCEPTS**

##### 1.4.1.1 **Parole**

According to *Van der Hoven [1981 : 2]*, Parole "*beteken die voorwaardelike vrylating van die gevangene nadat hy 'n gedeelte van sy vonnis uitgedien het, as deel van die behandelingsprogram waarmee in die gevangenis begin is*".

means "I give my word".

Parole is a treatment program in which an offender, after serving part of a term in a correctional institution, is conditionally released under supervision and treatment by a parole worker. Like probation, parole is a treatment program in the interest of society and individual.

However, the parolee, unlike the probationer, has served part of a term in correctional institution. His release is conditional, contingent upon satisfactory behaviour. He is under supervision and treatment by a person trained in parole work [*Solomon, 1976 : 179*].

Other authors define parole as a legal status assigned to certain persons on their release from prison which enables the state to return them to prison for violating the rules of conduct, imposed upon them, and which makes them subject to the surveillance of specially designated government officials, who may also provide services to the parolees [*Berecochea, John Edward, 1982 : 18*].

When offenders are released unconditionally from a correctional facility, the state no longer has jurisdiction to supervise their behaviour. Unconditional release occurs after the entire sentence has been served and the remainder waived, because of good time credits the inmate has accrued [*Reid, 1991 : 626*] and [*Morton, 1991 : 57*]

#### 1.4.1.2 Supervision

Parole supervision entails a law enforcement function. In order to achieve the goal of the protection of the public, parole agents often perform a number of "policing" or "surveillance" duties. This include making sure the parolee adheres strictly to the conditions of his parole and initiating revocation procedures if a violation of the rules occurs. In some jurisdictions, parole officers are even required to carry fire-arms and to arrest parole violators [*Doeren and Hageman, 1982 : 110*].

By the same token, *Rhine, Smith and Jackson [1991 : 33]* contend that the actual supervision of parole, is carried out by correctional supervision. This agency is housed under the Department of Corrections. The correctional supervisors are responsible for enforcing the conditions of parole - conditions that are established.

In Penology, attention is paid to the various theories of punishment and penal motives which came into being and were applied in the course of time, inter alia, the motive of vengeance or retribution, reform or correction of the criminal [*Neser, Cilliers and Van der Heever, 1989 : 17*].

#### 1.4.1.3 Reintegration

Reintegration is the transition process from correctional institutions back into the community. Reintegration includes the need for both offender and the community to change [*Lawrence. 1991 : 457*].

*Reid [1981 : 304], Bartollas and Miller [1978 : 189]*, contend that reintegration emphasizes on preparing the inmate for life outside the institution. By the same token *Hussey and Duffee [1980 : 300]*, state that the concept of reintegration is used to describe the process of realigning an offender with community. Associations and supports after a prison experience, implies that the offender has been integrated into some community social system. Therefore, reintegration as a response to criminal behaviour involves helping offenders to develop more meaningful lives as law-abiding members of their communities. For this reason, reintegration emphasizes the community as the source of and the vehicle for positive change in offenders [*Henningsen, 1981 : 3*].

#### 1.4.1.4 Treatment

Treatment refers to any organized and deliberate intervention intended to change behaviour, with ultimate interests of the client as the central purpose [*Johnson, 1978 : 242*]. A primary purpose of penal treatment is to effect changes in the characters, attitudes and behaviour of convicted offenders, so as to strengthen the social defence against unwanted behaviour [*The Howard Journal, Vol. 29, No. 1 Feb., 1990 : 15*].

#### 1.4.1.5 Parolee

A parolee is a prisoner who is released to the community by the Parole Board, prior to the expiration of his term, subject to conditions imposed

Parole is also one of the most controversial release methods and is likely to be the most politically volatile. Ironically, whereas it is an urgently needed element in the Criminal Justice System, if only to relieve prison overcrowding, it is also the subject of frequent political attack.

Periodic alarms about rising crime rates lead to demands for less use of parole, and sometimes for its outright abolition. A nation in a punitive mood from a chronic fear of crime wants to have criminal offenders locked up and incarcerated to the very end of their prison sentences, an attitude continually reinforced by news accounts of brutal crimes committed, as the media is likely to note, by parolees. One notorious crime by a parolee easily offsets any awareness the public might have that thousands of parolees live quietly and peaceably [Keeve, 1995 : 193].

According to *Bernard and McCarthy [1991 : 241]* parole can be viewed as a necessary transition phase between prison and freedom, a period when correctional authorities can supervise newly released offenders and offer the assistance they need to get back on their feet. Parole supervision is therefore, expected to serve both control and rehabilitation objectives.

## 2.1 DISTINCTION BETWEEN PAROLE AND PROBATION

The terms Parole and Probation have often been mistakenly used interchangeably but as are already apparent there are many differences

between the two.

- ▶ Probation involves a sentence by the court to community supervision in lieu of imprisonment; whereas
  - ▶ Parole is a conditional release from a correctional institution after a period of imprisonment has already been served
- Beyond this preliminary distinction, there are numerous administrative differences
- ▶ First, the authority to both grant and revoke probation falls within the realm of the lower courts; whereas
  - ▶ The authority to grant and revoke parole is held by an administrative board that can be:
    - an independent State Agency
    - a unit within some larger State Department
    - the same body that regulates the State's Correctional Institutions.
  - ▶ Second, the supervision of probationers can be the function of a single State Department or division, a county agency or some combination thereof in any given jurisdiction.
  - ▶ Parole supervision services, however, are under the authority of a single State Agency in all instances, but are not necessarily under the leadership of the Parole Board [*Inciardi, 1993 : 651 - 2*].

Notwithstanding these formal differences between Probation and Parole, they are quite similar as day-to-day social and bureaucratic processes.

In fact in the United States where federal offenders are concerned, both

probation and parole supervision is provided by one group of federal employees. Some states also have merged these two mandates and processes into a single agency [*Shower and Einstadter, 1988 : 120*].

## 2.2 THE THEORIES OF PAROLE

Traditionally an individual on parole has not been considered a free man, despite the fact that he has been released from imprisonment. According to *Abadinsky [1977 : 201 - 2]*, the basis for imposing restrictions on a parolee's freedom is contained in three theories of parole, namely:

### 2.2.1 GRACE THEORY

Parole in this theory, is viewed as a conditional privilege, a gift from the Board of Parole. Therefore, if any of the conditions of this privilege are violated, it can be revoked.

### 2.2.2 CONTRACT THEORY

Every parolee is required to agree to certain terms and conditions in return for his conditional freedom. A violation of any of these conditions amounts to a breach of contract which can result in a revocation of parole.

### 2.2.3 CUSTODY THEORY

According to this theory, the parolee is in the legal custody of the prison or parole authorities, and as a result of this quasi - prisoner status, his

by the Board and to its supervision [*Folley, 1976 : 333, Van der Hover, 1981 : 2*].

#### 1.4.1.6 Classification

In a penological context the term classification is used to refer to the process by which prisoners are systematically divided into groups on the grounds or variables that justify differences in their handling. The fundamental assumption is that taking into account the large differences that occur between individuals, prisoners can be grouped in relatively homogenous groups [*Neser, 1993 : 253 - 4*].

#### 1.4.1.7 Volunteers

The volunteers in the purest sense, are people who receive no payment for what they do, although out-of-pocket expenses may be reimbursed. In recent years, however, the term "volunteer" has also been used to describe non-professional helpers who are paid small amounts for their services [*Johnson, 1987 : 94*].

#### 1.4.1.8 Community Corrections

Community corrections means a form of intensive supervised custody in the community, including surveillance on the weekends and holidays, administered by officers with restricted caseloads. Community corrections is an individualized program in which the freedom of an offender is restricted within the community home or non-institutional

residential placement and specific sanctions are imposed and enforced [McCarthy, 1987 : 185]. Therefore, the restrictions placed on parolees are justified on the grounds that people who have been incarcerated, must adjust to the community gradually, so that they will not easily fall back into their preconviction habits and associations. To ensure that, the conditions are met and that the offender receives assistance in readjusting, a community supervision officer is assigned to maintain regular contact with the parolee [Clear and Cole, 1990 : 440].

In recent years a dramatic explosion of interest in the development of what has been referred to traditionally as "Home Arrest" has been seen. This term is often used loosely and it is probably preferable to refer to this correctional policy alternative as "Home Confinement". A term that has the virtue of covering more specific practices, such as home detention [in which the residences are used as a detention facility] and home incarceration [in which residence replaces a jail or prison as a point of incarceration]. The term "House Arrest" tends to imply police action without much in the way of judicial process [Duffee and McGarrel, 1990 : 73].

Home confinement has been both praised and condemned. It has been praised as more humane and less "corrupting" than confinement in a correctional institution and promising as an economical alternative to building more jails and prisons [Duffee and McGarrel, 1990 : 73].

#### 1.4.1.9 Probation

Probation is a sentence, not involving confinement, which imposes conditions and retains authority in the sentencing court to modify the conditions of the sentence or to resentence the offender. Probation means the conditional and revocable release before sentence, and under supervision of an officer of the trial court, of a person who has been found guilty of an offense. Probation also means a sentence or adjudication of conditional and revocable release under the supervision of a probation officer.

*prisoner release before sentence under officer*

The word "Probation" is derived from a Latin word, meaning "The period of proving or trial" [Killinger, Kerper & Cromwell, 1976 : 14 - 15].

#### 1.4.1.10 Parole Board

The Parole Board is the autonomous authority responsible for deciding precisely when inmates will be granted parole by exercising discretion. The Parole Board determines how much of the inmate's sentence must be completed in prison, before the offender will be released to finish the remainder of the sentence in the community [Robin and Anson, 190 : 45].

### 1.5 SUMMARY

In this chapter, the researcher has oriented the reader regarding the research. The most important aspects discussed, includes inter alia, the rationale for choosing the subject; aims and purpose of the study; the

methods and techniques used as well as the description of the main concepts. Chapter Two deals briefly with the Historical Evolution of Release Policies around the world.

CHAPTER 2THE HISTORICAL EVOLUTION OF RELEASE  
POLICIES**2      INTRODUCTION**

The historical development of parole will be discussed in this chapter with purposeful exclusion of other methods of release which do not carry with them the same possibility of a continued counselling and guidance.

There are various forms in which offenders can be released from prison.

The principal methods of release are the following:

- ▶ Release at the expiration of sentence
- ▶ Conditional pardon or pardon by the State President
- ▶ Release on medical grounds
- ▶ Release after sentence commutation
- ▶ Correctional supervision
- ▶ Probation
- ▶ Parole.

Of the various methods of release, parole is the only one which can be considered to be a "treatment method" initiated in the correctional institution and continued in the community for the whole period when the parolee is under parole supervision.

constitutional rights are automatically limited and abridged.

### 2.3 THE ORIGINS OF PAROLE

The word "parole" is derived from the French term "Parole d'Honneur", which means "Word of Honour".

Authorities do not agree on the origin of parole some trace it to the English system of sending criminals to the American Colonies. However, there are three British correctional practices which are believed to have played an important role in the emergence of parole in the United States in 1876, that is: The Policy of Transportation, the use of the Conditional Pardon and the Ticket-of-leave [*Doeren and Hageman, 1982 : 94 - 5*]. Others claim that the concept of conditional liberty was first introduced in France around 1830. The supporters of this view described the concept of conditional liberty as an intermediary step of freedom, with supervision between prison confinement and complete freedom in the community [*Reid, 1991 : 635*].

The procedure known as parole was in fact first tried in the United States, one hundred years ago. The following measures and practices are of special significance in its development.

### 2.3.1 THE POLICY OF TRANSPORTATION/CONDITIONAL PARDON AND INDENTURE

Early in the seventeenth century England began to transport its criminals to American Colonies. This policy can be traced back to the passage of a law in 1657 which provided for the banishment of dangerous criminals. The development and utilization of this practice by the English Government then can be attributed to two complementary factors.

First, at that time England was plagued by severe economic pressures as evidenced by acute economic conditions, high taxes, an overcrowded labour market and rising rates of unemployment.

Second, although there was an over abundance of labour in England, there were insistent demands for labour in the American Colonies, due to colonization [*Doeren and Hageman, 1982 : 94*].

The criminals in essence, constituted a captive "labour pool". As a result of these complementary conditions, the King of England approved a plan to grant reprieves and stays of execution to convicted felons who satisfied the requirement of being physical able to be employed.

Originally, there were no specific conditions imposed on those criminals who received pardons. This practice was later amended in 1655 to include specific conditions and to provide for the revocation of the pardon

if the offender failed to comply with the conditions and restrictions imposed on him. This will be further discussed in chapter six. Dealing with Parole Supervision, whereas legal aspects in the process of granting and revoking parole will be sighted in chapter three.

This amendment was necessitated because many of those criminals who were granted pardons, avoided transportation or returned to England before their terms had officially expired [*Doeren and Hageman, 1982 : 94 - 5*].

During the early period of the transportation program, each contractor was paid a fee by the English Government for each prisoner transported. This practice was terminated in 1717 after the enactment of a new law which stipulated that the contractor or shipmaster, was to be given "Property in Service" of the prisoner until his full term had been completed. Upon delivery of the prisoner to the contractor or shipmaster, the government abandoned its interest in the well-being or behaviour of the prisoner, except if the prisoner violated the conditions of the pardon by returning to England before his term expired [*Doeren and Hageman, 1982 : 95*] and *Bernard and McCarthy, 1991 : 244*].

Upon their arrival in the colonies, the services of the pardoned criminals were sold to the highest bidder. This resulted in the transfer of the

Henceforth, the criminal was no longer called a convicted criminal, but became an indentured servant [*Bernard and McCarthy, 1991 : 244*]. Conditions imposed upon indentured servants were specified in an indenture agreement.

This is similar to the procedure presently applied with parolees who agree, in writing, to abide by certain conditions for their release. A release form specifying such conditions is normally signed by the members of the parole and the prisoner.

The termination of the revolutionary war brought an end to the transportation of criminals to America. However, after the discovery of Australia in 1787, England sent its felons to Australia to exploit the land. This practice continued in Australia until 1867 [*Doeren and Hageman, 1982 : 95*].

### 2.3.2 THE TICKET-OF-LEAVE : AUSTRALIAN, ENGLISH AND IRISH EXPERIENCES

Alexander Maconochie, who is considered to be one of the major pioneers in parole, served as Superintendent of the Norfolk Island Prison Colony off the coast of Australia. Under his leadership several reforms in Australia Penal System were instituted, many of which represented a harsh attack on the basic structure and philosophy of the system itself.

Australian Prison at Norfolk Island, was the "Mark/Ticket-of-Leave System".

The "Mark System" represented a significant departure from the existing penal system wherein a prisoner was required to serve a definite sentence. However, the Mark System by Maconochie, enabled a prisoner to earn early release through the accumulation of "marks" which were earned through hard work and behaviour complaint with prison regulations. Marks could be utilized to purchase rations or to reduce a prisoner's sentence. Consequently, the Mark System provided the inmates with a new feeling of optimism and hope for an earlier return to England and it encouraged hard work and good behaviour on behalf of inmates.

Along with the "Mark System" Maconochie incorporated into the penal system, a five stage program of "graduated release", which was designed to prepare inmates for release and return to life in the community. The five stages were as follows:

- ▶ strict custody
- ▶ labour in government work
- ▶ limited freedom within a prescribed area
- ▶ ticket-of-leave
- ▶ total freedom [*Doeren and Hageman, 1982 : 95 - 6*].

When an inmate progressed to the fourth stage through the accumulation of a sufficient amount of marks was entitled to a "Ticket-of-Leave" which, in essence, was the granting of freedom to the inmate, subject to restrictive conditions.

The English Penal Servitude Act of 1853, which governed prisoners in England and Ireland, substituted imprisonment for transportation. It also made it possible to grant a conditional release on "Ticket-of-Leave" to prisoners of good conduct, usually after they had served a specified part of their sentences. It was also clear to those offender who were conditionally released on "Ticket-of-Leave" that it was not necessary for them to be convicted of a new crime to have their license revoked. If, for instance, an offender associates with disreputable persons, led an idle or dissolute life or was unable to secure satisfactory employment to make an honest living, it would be interpreted that the offender was about to return to a criminal lifestyle. The inmate would then be immediately apprehended and reimprisoned [*Doeren and Hageman, 1982 : 96*].

A license specifying the conditions under which the offender was granted a "Ticket-of-Leave" was to be carried by the offender at all times and presented on demand.

During the early part of the "Ticket-of-Leave" program, there was no provision for the supervision of released prisoners. However, this

situation was eventually changed when public uproar attributed the blame for most of the serious crimes committed by prisoners released on "Ticket-of-Leave".

The citizen demand that either the program be terminated or the prisoners be supervised, resulted in the supervision of the prisoners, first by the police and later by agents employed by prisoner's aid societies. These agents provided various services to the prisoners, such as helping them secure employment, locate a place to live, and resolve personal problems. Additionally, they explained the program to employers, and provided a surveillance function by enforcing the conditions of leave imposed upon the released prisoners [*Doeren and Hageman, 1982 : 96*].

Maconochie evaluated his term at Norfolk Island in the following words: "I found Norfolk Island a hell, but left it an orderly and well-regulated community". His work was not appreciated by the English, however, Maconochie was recalled. His reform efforts did have later effects in England and in America [*Reid, 1991 : 636*].

Maconochie's system was taken to Ireland by Sir Walter Crofton, who added supervision to the early release program [*Reid, 1991 : 636*].

One year after the enactment of the English Penal Servitude Act in 1853, Sir Walter Crofton became the Head of Irish Prison System. The Irish

Prison System, under Crofton's administration and leadership, became well known for its three stage model of Penal Servitude, with each stage designed to bring the offender closer to the free community. Of course, Crofton is indebted to Maconochie for the concept of supervised stages of imprisonment.

- ▶ The first state or strict imprisonment stage, was characterized by strict custody, solitary confinement and monotonous work
- ▶ The second stage, or intermediate stage, involved the placement of prisoners on public work projects and the opportunity for prisoners to earn "marks" toward release
- ▶ The third stage, was essentially supervised parole.

During this last stage, prisoners were assigned to an immediate prison where they worked unsupervised and permitted to move in and out of the free community. If prisoners continued to exhibit appropriate behaviour and were able to secure employment, they were granted a conditional pardon on a "Ticket-of-Leave" and returned to the community [*Doeren and Hageman, 1982 : 96 - 7*].

Crofton instituted a system of supervision of prisoners on "Ticket-of-Leave" program, whereby they were supervised in rural areas by the police and in the city of Dublin, by civilian employees who possessed the title of "Inspector" of released prisoners. These inspectors performed a number of services, including assisting "Ticket of Leave" prisoners obtain

employment, visiting their homes bi-weekly, requiring them to report at periodic intervals, verifying their employment and working cooperatively with the police. The community involvement in Inmate Development and Reintegration programs will be thoroughly discussed in chapter five whereas chapter four deals with Institutional Treatment of Offenders in preparation for their release to the community.

Consequently, at this point in the evolution of parole, all the necessary elements of the contemporary parole existed, namely: supervision, treatment and a paid parole worker [*Doeren and Hageman, 1982 : 97*].

For the sake of completeness, a comparative study on release policies was undertaken in order to evaluate the extent to which the above history impacted to the present parole policies around the world. Nine countries, including South Africa, was studied, which takes us to the next subheading.

## 2.4 RELEASE POLICIES : A COMPARATIVE STUDY

### 2.4.1 RELEASE POLICY IN AUSTRALIA

In the Australian States, reduction of sentence as a release mechanism is accepted. Except for Queensland and Tasmania, all the States have a system of indeterminate sentence whereby the presiding official may lay down a minimum period of detention. Prisoners are not freed on parole before the minimum period has elapsed. The prisoner remains on parole

until the maximum period [minus remission] has elapsed. In Queensland, prisoners are considered for parole after serving half the sentence and in Tasmania, after serving two-thirds [Neser, 1993 : 436].

New legislation was passed in Western Australia in 1988 which spells out clearly that parole is a privilege which is not granted automatically. When imposing a sentence the court must indicate whether it includes a component of parole or not. For sentences of less than one year, the court may not prescribe a parole component. Release on parole may be calculated by the administrative parole release body on the following basis, namely:

- ▶ Prisoners sentenced to a total of six years or less, after having been in detention for a minimum of one-third of the sentence, are given a period of at least six months. If the parole period is completed successfully, the rest of the sentence is remitted
- ▶ Prisoners sentenced to a total of more than six years, after having been in detention for a minimum of two-thirds of the sentence, are given a parole period of two years with a stipulation of remission as prescribed above [Neser, 1993 : 436 - 7]
- ▶ However, sentences of five years and longer imposed for a crime of violence carry no component. Prisoners sentenced to life imprisonment are divided into three categories and are considered for release in the following manner

▶ Persons sentenced for premeditated murder, after serving 10 years...

- persons sentenced for any other crime - after serving seven years
- persons sentenced to life "under strict security" - after a minimum period of 20 years [Neser, 1993 : 437].

#### 2.4.2 RELEASE POLICY IN BRITAIN

Severe criticism of the early release of prisoners in 1987 in England and Wales led to the appointment of the Carlisle Committee for the investigation of remission of sentence and parole the Committee's findings in 1988 formed the basis of the White Paper "Crime, Justice and Protecting the Public". The purpose of parole is summed up in this way in the White Paper:

- ▶ Protection of the community [supervision of parolees]
- ▶ Prevention of Recidivism
- ▶ Successful reintegration of prisoners into the community
- ▶ Bringing the period which the prisoner actually spends in prison in line with the length of the sentence [Neser, 1993 : 437]. The supervision of the parolees will be discussed in Chapter Six. Therefore, the core of the recommendations in the White Paper may be summarized in the following four aspects, namely:
  - Abolition of remission of sentence
  - Prisoners are considered for parole after completing at least half of the sentence
  - Prisoners are considered for parole after completing at least half of the

- Prisoners with sentences of the one year or longer are on parole until three-quarters of the sentence has elapsed
- Prisoners with sentences longer than four years are not released on parole if the safety of the community could thus possibly be put at risk [Neser, 1993 : 458]. In Scotland, all prisoners qualify for remission of one-third of sentence which may be forfeited if they are found guilty of breach of discipline during detention. Juvenile prisoners serving sentences of six months or more whose sentences are remitted are subjected to compulsory supervision for a period of six months. When the sentence amounts to 18 months or more compulsory supervision of one year applies. The following are major considerations for parol, namely:
  - ▶ risk of release into serious crime
  - ▶ reaction to treatment
  - ▶ the influence of further imprisonment on the prisoner
  - ▶ support systems available in the community [Neser, 1993 : 438].

However, parole of prisoners with determinate sentences is considered if one-third of the sentence, or a minimum period of 12 months, has been completed.

Prisoners who have received indeterminate sentences are considered for parole only after three years, except when the sentence specifies otherwise. Since 1984, prisoners found guilty of murder during armed robbery, murder of a police man, or murder or assault on a judicial officer

of juveniles, are considered for parole only after a minimum period of 20 years imprisonment [Neser, 1993 : 438].

Because of the socio-political circumstances in Northern Ireland, parole was abolished more than a decade ago and replaced with remission of half of their sentences for all prisoners. Prisoners serving sentences of twelve months and less, are unconditionally released, remaining under compulsory supervision until full sentence has elapsed. If such a prisoner again commits a crime during this period, the remainder of the sentence comes into operation as in the case of a suspended sentence [Neser, 1993 : 438].

#### 2.4.3 RELEASE POLICY IN FRANCE

In France, early releases are arranged by means of remission of sentence. There are various categories of remission, namely:

- ▶ Prisoner sentenced to three months or longer qualify for remission of three months for each year of imprisonment. If the sentence is less than a year, the prisoner qualifies for remission of seven days per month, dependent on good behaviour
- ▶ Further remission of up to three months for each year of imprisonment is granted if certain trade, professional or university qualifications are obtained during the course of the sentence
- ▶ There is also additional remission of up to three months per year for

ordinary efforts to rehabilitate themselves [Neser, 1993 : 438 - 9].

However there are minimum periods of detention and preconditions which are applicable before a prisoner can be considered for parole, namely:

- ▶ Prisoners with determinate sentences must serve at least half of the period
- ▶ Recidivists must complete at least two-thirds of the sentence
- ▶ There are several preconditions of parole.

A prisoner must make serious attempts to rehabilitate himself. The offender must provide a written undertaking that the individual has a job and accommodation or that he is prepared to be placed in a halfway house or under the control of a parole officer [Neser, 1993 : 439].

Chapter Six deals further with Parole Supervision.

Supervision in France Policy, is not a compulsory condition of parole, but most parolees are subject to it. Other parole conditions may include:

- ▶ Compulsory medical treatment
- ▶ Compulsory training; further programmes
- ▶ Prohibition of social contact with undesirable persons [Neser, 1993 : 439 - 40].

#### 2.4.4 RELEASE POLICY IN THE SCANDINAVIAN COUNTRIES

There are two aspects of interest in conditional release in Scandinavian

- ▶ The ideal is to release all prisoners on parole and only a negative prognosis may obstruct this consideration
- ▶ After persons who have been given an indeterminate sentence in terms of Dangerous Recidivists Act in Finland, having been repeatedly found guilty of violent crimes such as murder, homicide, severe assault, robbery or rape, have served the maximum period of imprisonment as specified by the sentencer, that they may be placed in further preventive detention if, in the opinion of the National Parole Council, they still constitute a danger to the community.

#### 2.4.4.1 Finland

First offenders or recidivists are considered for parole in Finland after the minimum terms of half and two-thirds of sentence respectively. Prisoners are on parole for the rest of the original term of imprisonment. In Finland prisoners serving life sentences are considered for pardon by the President after a minimum of 15 years, those pardoned are released on parole [Neser, 1993 : 440].

#### 2.4.4.2 Denmark

In Denmark, prisoners are considered for parole if at least two-thirds of their sentence has elapsed. Exceptional cases qualify when half to two-thirds of their term of imprisonment has passed. The maximum period of parole is three years [Neser, 1993 : 440].

#### 2.4.4.3 Sweden

Prisoners sentenced to two years or less in Sweden qualify for parole after serving half of their sentences, although two-thirds of the sentence is presently under consideration. The cases of those serving longer sentences are considered after half the term of sentence has elapsed. The parole period is generally one year [*Neser, 1993 : 441*].

#### 2.4.5 RELEASE POLICY IN CANADA

Prisoners serving sentences of two years or more fall under the jurisdiction of the Canadian Federal Prison System, while those awaiting trial and those serving sentences of less than two years, fall under the Provincial Prison Systems. The National Parole Board controls the release of prisoners serving two years or more. Besides temporary release and day parole, parole and compulsory supervision are the major release mechanisms [*Neser, 1993 : 441*]. However, federal prisoners qualify for parole after completing one-third of the sentence. Release under compulsory supervision comes into operation after a prisoner has served two-thirds of the sentence with good behaviour. The following exceptions apply, namely:

- ▶ Offenders whose crimes led to death or grievous bodily harm for their victims, and in whose cases the prognosis is unfavourable in the judgement of the Parole Board, may be detained for the full period of sentence

Prisoners who are again sentenced to a term of five years or more for a

serious crime within ten years of the termination of a sentence of five years or more, are classified as “violent behaviour cases” and considered for parole before they have completed half of their sentences

- ▶ Those regarded by the courts as dangerous criminals and sentenced to a special indeterminate sentence may be detained for the full duration of the sentence [*Neser, 1993 : 441*].

Parolees who have been granted remission of sentence and those who are placed under compulsory periods may stretch over a considerable length of time. The future of parole in Canada is in the balance, especially because a number of parolees have committed sensational crimes in recent years and also because of the recommendations in the report of the Canadian Sentencing Commission [*Neser, 1993 : 442*].

These recommendations were based on the Justice Philosophy of “Just Deserts” and included the following, namely:

- ▶ New structured sentences, in line with the severity of the crime and accountability of criminals, should be introduced
- ▶ Sentencing should move closer to the ideal of “Real Time Sentencing”. Parole should be abolished and remission of sentence reduced from one-third to a quarter of sentence, with shorter determinate sentences in prospect
- ▶ Sentencer should have a say in the allocation of prisoners to particular types of prison

The period in detention awaiting trial should automatically be deducted

from prison

- ▶ There should be strict compulsory supervision after release. The Sentencing Administration Board would allow the courts to participate in decisions in this regard. It was anticipated that between two-thirds and three-quarters of all releases would take place via halfway houses [Neser, 1993 : 442]. However, the recommendations of the Sentencing Commission were in favour of the remission of sentence with compulsory supervision, rather than release on parole since such proposals are subject to a long process of decision-making and eventual approval
- interim alterations to the Parole Release Policy were announced on 15 June 1988 of which the following are the most important, namely:
- ▶ The minimum period of detention before consideration of release on parole was changed from one-third to half of the sentence
  - ▶ Remission of sentence was abolished, but cases not paroled could be placed under compulsory supervision for the last 12 months of sentence
  - ▶ Community risk became the chief criterion in parole screening. In August 1988, it was decided that the extension of the minimum period of detention before consideration of release on parole from one-third to half of the sentence should apply only to those found guilty of crimes of violence [Neser, 1993 : 442].

## 2.4.6 RELEASE POLICY IN SOUTH AFRICA

### 2.4.6.1 Historical Overview

in South Africa has been amended from time to time to adapt to community requirements and international developments and applications.

The application of the concepts of remission of sentence and paroling has been part of the release process since the earliest years and are generally well known to the judiciary and legal practitioners as well as the general public.

It appeared over the years that the application of these concepts be questioned as it gave rise to the perception among inter alia, those imposing sentences, that the sentence which is imposed by the court is being interfered with in an administrative manner. In consequence with the increase in crime, the community also began to demand that offenders be dealt with more severely in order that the community be afford more protection. Consequently, special attempts were initiated in each field of criminal justice to combat the increasing crime wave. As part of this co-ordinate attempt, the Department of Correctional Services took some initiatives as well. The National Advisory Council on Correctional Services, advised the Minister regarding the then present release policy whilst the executive council conducted some research into release systems in other countries.

After careful consideration it was decided to develop an entirely new

release policy, based on earned credits which came into operation in South African prisons on the 11 March 1993. The Department of Correctional Services is the service of the community and is inseparable part of the Criminal Justice System.

The release of prisoners in fact, places a great responsibility on the Department. It would have been easier if every prisoner simply served the entire sentence imposed by the court and was released upon the expiration thereof. Such a system is however, irreconcilable with the objectives of rehabilitation and protection of the community. Apart from this, a system in which each prisoner serves every single day of his sentence in the prison, cannot be financed by the State Treasury.

The principle which had been applied in South African then, was that prisoners could earn remission of sentence and also be considered for parole.

✓ In practice this meant that prisoners who were first offenders could receive one third remission whereas recidivists received 1/4 remission from their sentences.

✓ Hardened criminals and those with a poor prognosis, were not paroled and remission of sentence was granted on the strength of good

behaviour. The effect is that different categories of prisoners were released unconditionally upon expiration of sentence after remission of sentence had been effected.

The value of remission of sentence lied mainly in the application thereof as an instrument of control and incentive for good behaviour among prisoners in prisons. However, the application of remission implied that an important instrument of control was lost after release as there was no legal sanction for the Department to continue exercising control and supervision of such released prisoners in the community.

In the interest of protecting the community against crime, it was decided to rather do away with the concept of remission.

#### 2.4.6.2 The System of Credits

The familiar principle of rewarding good behaviour and punishing negative behaviour is a basic principle of granting credits.

The system of credits implies that prisoners can earn credits by means of their behaviour, discipline, adaptation, participation in specialised programmes, diligence and productivity. These credits can be converted into fixed periods which can then accumulate as they are earned to advance the date on which placement on parole can be considered.

The following factors play an important role in the process of consideration, namely: *29 have just a few*

- ▶ Remarks by the Presiding Judicial Officer upon passing sentence
- ▶ Previous convictions and their frequency
- ▶ Type of offense
- ▶ Availability of support system in the community
- ▶ Victims circumstances
- ▶ Motive for crime
- ▶ Age of offender and victim
- ▶ Length of sentence
- ▶ Crime pattern
- ▶ Result of evaluation by experts where applicable [psychologists, social workers, etc.] [*White Paper on Release Policy, 1993 : 6*].

The introduction of the credit system implies that:

- ▶ Earned credits can only advance the date on which consideration for parole is given by the Parole Board
- ▶ The sentence as pronounced by the court remain valid until it expires whether it is served inside the prison or part on parole in the community
- ▶ Unconditional release - no longer exist
- ▶ Parolee or probationer is placed under compulsory supervision and control of parole officers for the whole duration of his/her parole period
- ▶ Community is protected.

- ▶ ✓ Offender participates in rehabilitation programmes [*White Paper on Release Policy, 1993 : 5 - 6*].

#### 2.4.6.3 Correctional Supervision System ✓

Emanating from the identified change of direction as it is embodied in the mission and strategies of the Department of Correctional Services certain recommendations were submitted to the Government on the 28 November 1990.

After deliberation and consultation, the Government decided that the following matters be investigated and finalized without delay, namely:

- ▶ ✓ The reduction/restriction of the number of unsentenced prisoners who are in prison during the period of investigation
- ▶ ✓ The reduction of the number of sentenced prisoners by the introduction of a system of correctional supervision
- ▶ ✓ The phasing out of the Central Release Board and the effectuation of greater community involvement in the activities of institutional committees
- ▶ The implementation of a system of strategic management units
- ▶ The restructuring of the Department of Correctional Services [*White Paper 6 May 1991 : 10*].

The system of Correctional Supervision was arrived at after investigation.

This concept of community corrections was accepted with the clear

requirements, namely:

- ▶ Centralized control over the system
- ▶ Judicial officers making use of the advantages and values of such a system
- ▶ Confidence and support of the community in the system
- ▶ Involvement of the total spectrum of welfare specialist services
- ▶ Welfare Departments and NGO's continue playing their indispensable roles
- ▶ Appropriate legislation is in place to make operation of such a system possible [*White Paper, 6 May 1991 : 10*].

✓ In terms of the Amendment Act on Correctional Services and Supervision, there are three categories of prisoners who may be placed under correctional supervision, namely:

- ▶ Prisoners who have been sentenced to imprisonment not exceeding five years, in terms of Article 276[1][i] of the Criminal Procedure Act [Act 51 of 1977], provided the Commissioner of Correctional Services, having used his discretion, wishes to place the offender under correctional supervision in the community.

By the same token *Bothma [1995 : 193]* states, "*n Gevangene wie ingevolge artikel 276[1][i] gevonnis is, vir uitplasing onder korrektiewe toesig deur die Paroolraad oorweeg kan word:*

*bereken op die totale vonnis minus amnestie en spesiale afslag van vonnis wat onvoorwaardelik toegeken is*

- ▶ *Indien 'n vonnis/vonnisse van gevangenisstraf van 5 jaar en minder met die keuse van die boete saam met vonnisse van gevangenisstraf ingevolge artikel 276[1][i] opgelê is, uitgedien word, kan die gevangene na voltooiing van 1/6 van die vonnis, deur die Paroolraad vir uitplasing onder Korrektiewe Toesig oorweeg word*
- ▶ *Na voltooiing van 1/4 van die effektiewe vonnis, nadat amnestie en spesiale afslag van vonnis wat onvoorwaardelik toegeken is, van die effektiewe vonnis afgetrek is in gevalle waar:*
  - *Vonnis[se] van gewone gevangenisstraf van 5 jaar en minder samelopend al dan nie, saam met vonnis[se] opgelê onder artikel 276[1][i] van die Strafproseswet, 1977 uitgedien word*
  - *Behoudens die bepalings van artikel 276 A[3][9][iii] saamgelees met artikel 63[b][i] van die Wet op Korrektiewe Dienste, vonnis[se] van gevangenisstraf, langer as 5 jaar met die keuse van 'n boete saam met vonnisse van gevangenisstraf opgelê ingevolge artikel 276[1][i] van die Strafproseswet, 1977, uitgedien word".*

*"Dit impliseer dus dat die Kommissaris van Korrektiewe Dienste die hof a quo aansoek kan doen vir verskyning van die gevangene voor die hof met die doel om Korrektiewe Toesig te oorweeg, indien die Kommissaris van mening is dat die gevangene 'n geskikte kandidaat vir die Korrektiewe*

According to *Neser [1993 : 448]*, prisoners with up to five years of a sentence remaining to be served may, in terms of article 276 A[3] be referred back to the court *a quo* if the Commissioner of Correctional Services, after evaluating the case, believes that the individual is a suitable subject for correctional supervision.

Persons who find themselves in prison after failing to pay a fine may, in terms of article 187[4] of the Criminal Procedure Act, be released by the Commissioner of Correctional Services after evaluation and placed under correctional supervision for the remainder of sentence [*Neser, 1993 : 449*].

#### 2.4.6.4 The New Release Policy in South Africa

According to the presently debated Correctional Service Act the "credit system" will be repealed as the courts will in future be able to "fix" a non-parole period when passing sentences to some kind of offences. Where a non-parole is not fixed, legislation determines that half of a sentence will be served.

Persons sentenced to indeterminate sentences will serve the following period prior to consideration for parole:

- ▶ Habitual Criminals = 7 years
- ▶ Life Imprisonment = 25 years.

#### 2.4.6.4.1 Special Remission of Sentence or Amnesty

According to the New Act:

- ▶ Any period granted as special remission of sentence or amnesty, may only be deducted from the eligible parole period and not from the non-parole period
- ▶ Only amnesty granted by the President in terms of the Constitution may be deducted from the total sentence, including the non-parole period determined by the court.

#### 2.4.6.4.2 Prisoners in system after the implementation of New Policy

All prisoners admitted as from the date of the implementation of new legislation will be considered for parole placement once half of their sentences have been completed, or after the non-parole period as determined by the court, has been served in terms of section 52[2] of the Criminal Law Amendment Act, 1997 [Minimum Sentences].

#### 2.4.6.4.3 Parole Boards

The new Boards will be operated on a decentralised basis at forty five locations throughout the country.

All new members will be remunerated by the Department of Correctional Services, except the following members:

- ▶ A member of the South African Police Services
- ▶ A member of the Department of Justice

The new Boards will have a decision-making function in respect of placement of offenders under correctional supervision or release on day parole/parole, except persons declared as dangerous by the court or sentenced life imprisonment, whose cases will be dealt with by the relevant courts.

#### **2.4.6.4.4 Structure of Parole Boards**

The new legislation determines the number of Parole Boards which may be established by the Minister of Correctional Services under this Act.

The Minister appoints chairpersons and vice chairpersons of the board, as well as the rest of the members.

New boards will consist of:

- ▶ Chairperson
- ▶ Vice Chairperson
- ▶ Member of the South African Police Services
- ▶ Member of the Department of Justice
- ▶ Two members of the Department of Correctional Services, of which one will be the Secretary
- ▶ Two Representatives from the community.

#### 2.4.6.4.5 Procedures of Board

- ▶ Board is independent in decision-making in respect of placement under correctional supervision or release on day parole/parole
- ▶ Prisoners may appear before Board to state their cases or may be represented by a lawyer or any legal advisor
- ▶ If a victim of a serious violent offence indicated to the South African Police Services that he/she wishes to attend a Parole Board hearing related to his/her case, the onus rests upon the victim to inform the Department of Correctional Services of any change of his/her address. The Board will then inform the victim of the date of the parole hearing or pending release of the prisoner, which ever is applicable
- ▶ If not satisfied with the decision in respect of release made by the Board, the prisoner may make a written representation to the Minister or envisaged Inspecting Judge to be appointed.

#### 2.4.6.4.6 Short-term Prisoner ✓

Short-term prisoners are, according to the New Act, persons serving sentences of less than twelve months imprisonment. Due to the influx and out-flow [frequency] of this category of offender, and the relative short sentence imposed, there is little room for discretion. The Commissioner of Correctional Services is in the best position to practically deal with these cases. The Institutional Committee will make recommendations. The Commissioner, or his delegated official, will consider and approve

The legislation determines that half of the sentence will have to be served prior to being considered for placement on parole.

## 2.5 THE APPLICATION OF PAROLE CONDITIONS IN OTHER COUNTRIES

### 2.5.1 PAROLE CONDITIONS IN THE IRISH SYSTEM

A memorandum issue from Dublin on January 1, 1857, by the Authority of Earl, at that time the Viceroy and Lord Lieutenant of the Ireland, stipulated as follows:

- ▶ When an offer of employment for a prisoner is accepted, a notification thereof will be made by The Director of Government Prisons to the Inspector-General of Constabulary, by whom it will be transmitted to the Constabulary of the Locality in which the employment is to be given, with all necessary particulars for the purpose of being entered in a register at a Constabulary Station
- ▶ Each convict so to be employed, will report himself at the appointed Constabulary Station on his arrival in the district, and, subsequently, on the first of each month
- ▶ A special report is to be made to Head Quarters by the Constabulary whenever they shall observe a convict on license guilty of misconduct or leading an irregular life
- ▶ A convict is not to change his locality without notifying the circumstances at the Constabulary Station, in order that his registration may be

arrival must report himself to the nearest Constabulary Station, and such transfer is to be reported to Head Quarters for the information of the Directors of Government Prisons

- ▶ An infringement of these rules by the convict will cause it to be assumed that the inmate is leading an idle, irregular life, and therefore entail the revocation
- ▶ Further regulations may hereafter be added to the foregoing should they become necessary. [*Carney, 1977 : 169 - 70*].

#### 2.5.2 PAROLE CONDITIONS IN THE ENGLISH SYSTEM

Under the Criminal Justice Act of 1967, England imposed five simple, ***Lucid*** conditions of parole, namely:

- ▶ The parolee shall report to a specified office
- ▶ Shall place himself under the supervision of a designated officer
- ▶ Shall maintain contact with that officer as instructed
- ▶ Shall inform his Parole Officer of any residence or job change
- ▶ Shall be industrious and of good behaviour. [*Carney, 1977 : 170 - 1*].

#### 2.5.3 PAROLE CONDITIONS IN THE UNITED STATES

Parole conditions reflect the prevailing philosophy of the various States with respect to the function of parole. This emphasize the Protection of the Community, a reflected in extensive parole conditions, or it may stress a degree of assistance to the parole that is consistent with a philosophy

final analysis, parole, like any other criminal justice treatment technique, must stand or fall on its record of protecting the public [*Carney, 1977 : 317*].

Conditions regulating the parolee's movements, involvement in criminal activities, drug abuse, association with undesirable companions, and the possession of deadly weapons are the most prevalent conditions [*Carney, 1977 : 172*].

Three conditions were necessary for the development of parole in the United States. These were, namely:

- ▶ The reduction of term of imprisonment for good behaviour
- ▶ The indeterminate sentence
- ▶ Supervision.

The principle of reducing the term of imprisonment for good conduct was initially recognized by the passage of the commutation or "Good Time" law in New York in 1817. It permitted prison inspectors to allow time off the definite sentence of an offender for good behaviour, and work willingly performed. However, communication was not tantamount to parole those prisoners who were able to take advantage of "Good Time" laws enacted in New York and other States were released earlier, but unconditionally and usually without supervision [*Doeren and Hageman, 1982 : 97*].

Parole was also dependent on the emergency of the indeterminate sentence. Although an indeterminate sentence in its truest form, has no minimum and maximum period of time specifications, most indeterminate sentence laws, in actuality, specify that the penalty for any given offence will be stated in terms of a minimum and maximum period of time. Consequently, the length of time served is an indeterminate period of time within the statutory maximum and statutory minimum limitations which is determined on the basis of an evaluation by the Paroling Authority of the offender's readiness for release [*Doeren and Hageman, 1982 : 97*].

Zebulon Brockway, the noted penal reformer, became the superintendent of the New York State Reformatory at Elmira, usually called the Elmira Reformatory, when it opened in 1876. Zebulon campaigned for the utilization of the indeterminate sentence and 1876 the State of New York passed the necessary authorization. However, prisoners under definite sentence were committed to the Elmira Reformatory by the State Courts until the Indeterminate Sentence Act became law in 1877. Therefore, it was in New York that the first indeterminate sentence, with minimum and maximum limits, was made law [*Doeren and Hageman, 1982 : 97 - 8*].

#### 2.5.4 PAROLE CONDITIONS IN THE SOUTH AFRICAN SYSTEM

Before placement on parole or correctional supervision in terms of

1977 [Act 51 of 1977], the following criteria is taken into consideration:

- ▶ The prisoner must not be considered to be a real danger to society
- ▶ Repeated aggressive and sexual crimes are considered as aggravating circumstances
- ▶ The prisoner must be self-sufficient, have sufficient funds
- ▶ Employment and place of residence [Prisons Service Order, Chapter VI[1][I][ii][aa].

By the same token, *Bothma* [1995 : 196], states: "*Misdadigers gegrond op hulle gevaarlikheid en gereelde misdaadpatrone in 'n gevangenis aangehou behoort te word.*"

Every prisoner who is placed out conditionally under parole supervision is controlled and monitored to ensure that the conditions for placement are being complied with, as far as possible. These conditions can, inter alia, include the following:

- ▶ A period of house arrest
- ▶ Restriction to a magisterial district
- ▶ A restriction association with undesirable persons
- ▶ Restrictions/Prohibition on visits to undesirable places
- ▶ The rendering of community service [probationers]
- ▶ The attending of prescribed programmes
- ▶ Regular contact with parole officers
- ▶ Visits to the prison-office exercising supervisory control

approval

- ▶ May not commit a crime during the period of parole.

Certain cases will, for example, not be paroled before they have successfully completed a period or day parole, during which the parolee is released during the day to work for an employer, look for work or visit his family in order to facilitate a successful reintegration into society [*Prisons Service Order VI[1][JJ]*] and [*White Paper on an Amendment of the Release Policy, 1993 : 7 - 8*].

The strictness of supervision also depend on each offender's cooperation and adaptation in the community as well as the risk which the individual holds for the community. Chapter Six deals with Parole Supervision in more detail.

#### 2.5.5 GENERIC CONDITIONS OF PAROLE

The results of the American Correctional Association Parole Task Force Survey show that 90 percent or more of the field service agencies around the world require that the parolee obey all laws, report when directed and answer all reasonable inquiries, refrain from carrying a fire-arm or other dangerous weapon, and remain within the jurisdiction of the sentencing court, reporting any change in residence to the parole officer. In forty states [78,4 percent], parolees are expected to maintain gainful

fees. Although it is used in probation, community-service may be ordered as a condition of parole in only seven jurisdictions [13,7 percent]. [*Rhine, Smith and Jackson, 1991 : 105*].

Parole is a form of conditional release that is, an offender's release into the community on parole upon his compliance with a set of Rules and Regulations. Although conditions vary from state to state and jurisdiction to jurisdiction, conditions of parole are somewhat standardized [*Doeren and Hageman, 1982 : 109 - 10*]. An example of Rules and Conditions of Mandatory Supervision as provided by the Texas Board of Pardons and Paroles appear below as Annexure "I". Examples of release dates further appear as Annexure "J".

After discussing the Historical Developments of Parole, it becomes evident that the parole process through the decades did not develop without criticism and praises. These will be sighted in the next two subheadings.

## 2.6 CRITICISM OF THE PAROLE POLICY

A number of criticisms are being levelled against parole, namely:

- ▶ Parole fails to release the right people at the right time
- ▶ Post-release services are not delivered in a manner in which they would adequately meet the needs of the parolee

reports", submitted by institutional officials. Sometimes these reports are inaccurate and frequently fail to provide significant information about the applicant

- ▶ Furthermore, it is argued that non-professional board members lack sufficient expertise and training with which to properly interpret certain types of relevant information, even if it were provided [*Miller and Montilla, 1977 : 255 - 6*]
- ▶ *Callison [1983 : 235]*, further contends that, even if Parole Board Officers are properly trained, the number of cases assigned to them is sometimes so high that they are unable to exercise their professional responsibility properly
- ▶ A number of judges have expressed their concern and criticisms over the early release of prisoners and the release policy of the Department of Correctional Services. Justice Mirion made the following comments:  
"The early release of criminals jailed and even condemned for serious crimes are making a mockery of the administration of Justice and bringing dispute upon court proceedings
- ▶ The Commissioner of the South African Police Services expressed grave concern at the increase in the incidence of crime and mentioned that 5,608 prisoners released on parole during 1991, had been rearrested or linked to fresh crimes. The Dutch Reformed Church also questioned the early release of prisoners who have been sentenced for serious crimes, saying that this does not only undermine the authority of the courts and

attempts to maintain law and order in society [Neser, 1993 : 435]

- ▶ On the occasion of Shange's release, Professor Gretchen Carpenter of the Department of Constitutional and Public International Law at UNISA, described the tendency to shorten the sentences of habitual criminals or simply to set them free, as unacceptable
- ▶ Professor Jan van Rooyen of the Department of Criminal and Procedural Law at the same university, believes that it may be possible to understand the early release of political prisoners and of those who benefit from amnesty if this is an isolated deviation from the normal policy, accompanying the process of political development in South Africa [Neser, 1993 : 436].

## 2.7 ADVANTAGES OF THE PAROLE POLICY

Most observers of the parole process agree on the principle advantages of parole namely:

- ▶ The granting of parole limits the effects of imprisonment
- ▶ It minimizes the impact of the process of deterioration imposed by imprisonment
- ▶ It decreases the possibility that the continued absence of the father/mother from the family unit will frustrate the social and moral reintegration of a daily facing the danger of permanent breakdown
- ▶ It encourages the prisoner to maintain maximum contact with the world outside

It stimulates the prisoner to derive maximum benefit from the facilities

provided by the prison, not only as a preparation for parole, but for his total reformation and rehabilitation

- ▶ It offers assistance to the individual upon release
- ▶ The possibility of parole revocation acts as a deterrent to the parolee from committing further crimes
- ▶ Parole is an incentive to good conduct in the penitentiary
- ▶ It allows the timing of release from prison to be related to the completion of vocational and other training programmes [*Rhoodie, 1964 : 311 - 2*]
- ▶ The cost of supervising offenders on parole is less than that of keeping them in an institution [*Callison, 1983 : 234*] and [*Bothma, 1995 : 145*]
- ▶ *Doeren and Hageman [1982 : 98 - 9]*, contend that parole ensures the protection of society through surveillance and the provision of supervision and assistance to the offender.

## 2.8 SUMMARY

Parole will probably continue to be the most widely used form of release around the world. Legislators and parole administrators should work diligently to make the best use of parole which does not only relieve crowded prisons, but also promotes a successful reintegration of offenders into society.

Parole has three essential elements, namely:

- ▶ The preparation of inmates for release
- Supervising of parolees in the community

- ▶ **Supervising of parolees in the community.**

Therefore, these functions must be coordinated if parole is to be effective rehabilitation and control mechanism.

CHAPTER 3THE LEGAL ASPECTS IN THE PAROLE  
PROCESS3 INTRODUCTION

Historically the granting of parole and the revocation therefore was conducted with little, if any, due process, until the Supreme Court ruled that certain due process requirements must be observed, at both granting and revocation proceedings [*Reid, 1994 : 670*].

No prisoner has a right to parole, but the consequences of being denied it are so serious that there should be the right to a fair procedure. The Parole Board Interview is another means of ensuring greater fairness, as it provides the chance for the applicant to respond to negative points in the dossier, and may be able to develop better reasons in favour of parole [*Walker, 1996 : 151*].

Parole is a more effective rehabilitation measure than full-term imprisonment [*Beck, 1985 : 11*].

Virtually all studies of recidivism indicate that offenders denied parole have higher return rates than those afforded parole. This is probably because offenders afforded parole are less prone to recidivate, which is

determined when they are screened for risk by the paroling authority [*Prison Service Journal Vol. 48, No. 1, February 1986*].

- ▶ A strong parole system does not release inmates who pose an undue risk to public safety or who would be unlikely to benefit from rehabilitative services in the community
- ▶ A strong parole system ensures that offenders released on parole receive supervision adequate to deter any risk that may be presented. It enables authorities to swiftly remove parolees from the community, as soon as they pose an undue risk to public safety or security
- ▶ A strong parole system does not contribute to an increase in crime. Trouble does occur, however, when a parole system abdicates its responsibility to carefully screen and select inmates; or, when it fails to provide a level of supervision that ensures parolees will be quickly detected and removed from the community if they revert to criminal behaviour [*Prison Service Journal, Vol. 48, No. 1, February 1986*].

This chapter examines within a legal context the requirements for a Parole Hearing, Parole Granting, Decision-Making, Conditions of Parole and Parole Revocation Process.

### 3.1 **PAROLE OBJECTIVES**

The changing nature of parole makes the identification of system wide parole objectives difficult. Because many parole systems are in a state

of flux, the objectives vary from jurisdiction to jurisdiction. However, the National Commission on Criminal Justice Standards and Goals: California, attempted to identify basic objectives that most parole agencies appear to support. Their effort yielded the following list of goals:

- ▶ Reduction of Recidivism
- ▶ Achievement of fairness and propriety
- ▶ Imposition of appropriate sanctions reflecting public expectations
- ▶ Maintenance of the Justice System.

*[Bernard and McCarthy, 1991 : 243].*

## 3.2 **SENTENCING PRACTICES AND PAROLE**

### 3.2.1 **INTRODUCTION**

The structure and function of parole are inextricably tied to the sentencing model used within particular jurisdictions. The structure of the sentencing laws determines to what extent the Parole Board is empowered to release inmates from prison, prior to the expiration of their court imposed-sentences. The National Advisory Commission on Standards and Goals acknowledged the significance of sentencing models when it stated: All parole systems, no matter how autonomous, are part of a larger process - not only of corrections generally, but also of a complex sentencing structure involving trial courts and legislative mandates. The structure and functions of parole systems and their relative importance in the jurisdiction's total criminal justice picture all depend largely on the

sources of sentencing authority and limits on sentencing alternatives and lengths [*Bernard and McCarthy, 1991 : 250*].

The preparation for release on parole will be discussed in depth in chapter four.

### 3.2.2 MANDATORY SENTENCING

In the United States of America, law requires the judge to impose a sentence of incarceration, often of specified length, for certain crimes or certain categories of offenders. There is usually no option of parole, probation or a suspended sentence [*Bernard and McCarthy, 1991 : 251*].

### 3.2.3 PRESUMPTIVE SENTENCING

The discretion of a judge who imposes a prison sentence is constrained by a specific sentence length set by law for each offense or class of offense. That sentence must be imposed in all unexceptional cases. In response to mitigating or aggravating circumstances, the judge may shorten or lengthen the sentence within specified boundaries, usually with written jurisdiction being required [*Bernard and McCarthy, 1991 : 251*].

### 3.2.4 SENTENCING GUIDELINES

Explicit policies and procedures are specified for deciding on individual sentences. The decision is usually based on the nature of the offense

and the offender's criminal record. For example: the prescribed sentence for a certain offense might be probation if the offender has no previous felony convictions, a short term of incarceration if the offender has one prior conviction, and progressively longer prison terms if the offender's criminal history is more extensive [*Bernard and McCarthy, 1991 : 251*].

### 3.2.5 SENTENCE ENHANCEMENTS

In nearly all States, the judge may lengthen the prison term for an offender with prior felony convictions. The lengths of such enhancements and the criteria for imposing them, vary among the States [*Bernard and McCarthy, 1991 : 251*].

### 3.3 ADMINISTRATIVE STRUCTURES OF PAROLE

According to *Trester [1981 : 280]*, any organization structure of consequential size, can be characterized by at least two basic divisions of labour and respective functions, namely:

- ▶ The line personnel
- ▶ The administrative/supervisory hierarchy.

Although some degree of overlap in duties may be noted, directives and policy, decisions normally extended from the top level downwards rather than appearing in the reverse order [*Trester, 1981 : 280*].

Over the years, three organizational models for the administration of parole services have emerged; they are referred to as:

- ▶ The Institutional
- ▶ The Autonomous
- ▶ The Consolidated Models.

### 3.3.1 THE INSTITUTIONAL MODEL

The Institutional model invests institutional officials with the paroling decision. The rationale for this practice rests on the belief that, because prison officials are in day-to-day contact with the offender, they are the most knowledgeable regarding the offender's fitness or readiness for release. This model has been criticized because it is feared that the parole decision might be compromised and affected by factors unrelated to the offender's fitness for parole [for example: prison overcrowding] [*Bernard and McCarthy, 1991 : 249*].

### 3.3.2 THE AUTONOMOUS MODEL

The Autonomous model places the authority for parole decisions in the hands of a separate agency that is independent from the organization that administers the prison. Supporters of this model argue that the parole decision process will be more objective under this strategy than under the Institutional model. It is suggested that the independent agency is less likely to be influenced by issues related to prison management.

Critics of Autonomous approach argue that it interferes with the concept

of a unified and consistent correctional process - that is: parole decisions may not be consistent with institutional treatment objectives and may even be at odds with prison programming [*Bernard and McCarthy, 1991 : 249*].

### 3.3.3 THE CONSOLIDATED MODEL

The Consolidated model represents a compromise between the Institutional and Autonomous models. It combines the best features of both strategies. A Quasi-Autonomous Parole Board is created within a larger Corrections Department. Institutional officials provide inputs into decision making, but do not have the authority to release inmates early. This appears to be the preferred model in adult corrections today [*Bernard and McCarthy, 1991 : 249*].

By the same token *Bothma [1995 : 59]* states, "*Paroolrade is outonome liggame wat se werksaamhede gerig is op die verantwoordelike oorweging van en aanbevelings met betrekking tot die uitplasing van gevangenes onder korrektiewe toesig, parool, op dagparool en in bepaalde gevalle die vrylating van gevangenes op hul vonnisverstrykingsdatum.*"

The South African Correctional Services Act, Act 8 of 1959, makes provision for the Minister of Correctional Services to appoint one or more

Parole Boards and designate one of its members as chairman and a vice chairman to officiate in the absence of the chairman [*Van Zyl Smit, 1992 : 135 - 6*].

### 3.3.4 FUNCTIONS OF THE PAROLE BOARD

The functions of Parole Boards are essentially four-fold, namely:

- ▶ To select and place prisoners on parole
- ▶ To provide continuing control over parolees in the community
- ▶ To discharge parolees from supervision when they complete their sentences
- ▶ To review parole violations and determine whether revocation and return to prison is appropriate [*Inciardi, 1993 : 652*].

### 3.4 THE GRANTING PROCESS

Parole, as defined above, is the release of an offender from the correctional institution after the inmate has served a portion of his sentence under the continued custody of the State and under conditions that also permit his re-incarceration in the event of misbehaviour [*Reid, 1987 : 500*]. The conditional release from prison shall be granted by the parole authorities to the offenders who, having been sentenced to imprisonment, shown genuine repentance and reformation after serving the designated term in prison [*Shikita and Tsuchiya, 1992 : 208*].

### 3.4.1 ELIGIBILITY FOR PAROLE

There are numerous statutory restrictions on the granting of parole. As a result, inmates are not automatically paroled as a matter of right. Parole eligibility, then, refers to the earliest date that an inmate can be considered for parole [*Inciardi, 1993 : 653*]. The formal parole process begins when the Parole Board decides to consider release of a prisoner under parole supervision. A favourable decision is based on positive answers to a series of questions, such as the following:

- ▶ Is the inmate a fit risk for parole
- ▶ Will the inmate be able to benefit from parole supervision
- ▶ Does the inmate have a favourable attitude towards society
- ▶ Does the inmate want parole
- ▶ Will the prisoner agree to abide by the rules and regulations
- ▶ Was the crime committed by the prisoner nonviolent?

[*Callison, 1983 : 239*].

A key factor in the determination of parole eligibility are the statutes regarding "Good Time". "Good Time" refers to the number of days deducted from a sentence for good behaviour, meritorious service, particular kinds of work, or other considerations. Some States have a fixed formula for allocating "Good Time", such as two or three days for each month served. In others it is left to the discretion of the prison authorities, but cannot exceed a certain portion of the term imposed by

the court. "Good Time", however, is not a matter of right; it must be earned, and as noted, it can be forfeited for poor behaviour [*Inciardi, 1993 : 663*].

### 3.4.2 PRE-PAROLE REPORT

In practice, the quality and comprehensiveness of parole reports vary from one system to another, but most contain several basic elements, namely:

- ▶ Information regarding the offender's present offense, including arrest and conviction
- ▶ Information regarding the offender's individual and social characteristics
- ▶ A copy of the offender's presentence investigation report
- ▶ Institutional reports regarding the offender's adjustment to prison, participation in programs, institutional disciplinary infractions, and recommendations by the Institutional Staff
- ▶ The offender's parole plan. Usually, this must include the residence in which the offender will be staying upon release and a job. Most States require either a confirmed employment offer [Job-in-Hand] or a letter of assurance from an employer that the prospective parolee will be provided a job once he is released on parole
- ▶ In addition to these items, some Parole Boards permit statements or recommendations from the offender's sentencing judge and/or prosecutor or information regarding the victim's attitude towards the offender's

release to be included in the parole report [*Bernard and McCarthy, 1991 : 256*].

### 3.4.3 STANDARDS FOR GRANTING PAROLE

Among the factors considered by the Board's panels in the parole decision process are:

- ▶ The nature and circumstances of the inmate's offense and his or her current attitude towards it
- ▶ Prior criminal record and parole adjustment if the inmate has been paroled previously
- ▶ The inmate's attitude towards family members, the victim, and authority in general
- ▶ The inmate's institutional adjustment, including participation and progress in the areas of the institutional program important to self-improvement
- ▶ The inmate's employment history, occupational skills, and employment stability
- ▶ The inmate's physical, mental, and emotional health
- ▶ The inmate's insight into the causes of his or her past criminal conduct
- ▶ The inmate's efforts to find solutions to personal problems such as addiction to narcotics, excessive use of alcohol, and need for academic and vocational education, and use of resources related to such problems in the institutional program
- ▶ The adequacy of the inmate's parole plan, including the environment to

program if manpower and acreage are available [*American Correctional Association, 1983 : 109*].

#### 4.3.5.5 Camp Programmes

Camps, frequently referred to in the United States of America as "Road Camps" are used for inmates who are approaching the end of their sentence, providing opportunity for inmates to live and work in an environment which more nearly resembles conditions existing in free community life.

Camp programmes that have been planned realistically and are administered competently provide a relatively inexpensive facility for the relief of overcrowding and idleness in the larger institutions. Inmates assigned to camps are in construction and repair of roads, reforestation, gardening and harvesting, maintenance and improvement of public park areas, and other work concerned with the conservation of natural resources and the upkeep of public properties [*American Correctional Association, 1983 : 110*].

#### 4.3.5.6 Industrial Production

Correctional Industries furnish jobs for inmates who often were assigned to tasks that offered little opportunity to acquire, reinforce or re-establish useful and economically profitable skills [*American Correctional Association, 1983 : 110*].

Correctional Industries maintain a functional relationship with institutional treatment programmes and particularly with programmes of vocational and academic education.

Private industries which have been introduced in some correctional facilities in the United States of America, also provides a realistic work environment for inmates to learn and improve work skills and handle many of the same responsibilities that those in the community work force do [*American Correctional Association, 1983 : 110*].

These programmes offer both economic profit to the institution and specialized vocational training and experience for the individual inmate.

#### 4.3.6 RECREATION AND INMATES ACTIVITIES

##### 4.3.6.1 Introduction

Recreation programmes and inmate activities in penal institutions of today, are a highly important part of the treatment program. An institution with a good administration will provide activities to inmates under confinement. However, many institutions are limited, due to lack of facilities or absence of necessary funds.

##### 4.3.6.2 Recreation Facilities

Recreation facilities should include an outdoor recreation area; a gymnasium with seats for spectators; and auditorium with stage

equipment; game rooms and games such as table tennis, shuffleboard, chess, checkers, cards, etc.; weightlifting apparatus and other body-conditioning equipment and space for their use; a music room; and space for the pursuit of arts, crafts and hobbies. Locker rooms, showers, and dressing rooms also should be available. Provision should be made for regular inspection of all equipment and for repair and replacement as necessary [*American Correctional Association, 1983 : 100*].

#### 4.3.6.3 Inmates Leisure Time

The recreation period should be conducted at a time when the population is on a leisure time schedule. This affords each inmate opportunity to participate on a voluntary basis.

Officers assigned to supervise inmates during such recreation activities should not become so engrossed in the game as to neglect their job of custodial supervision of all inmates.

Community interaction include bringing in volunteers to provide instruction and inviting local teams to compete with institution teams. It may include taking inmates into the community for recreational activities.

An assessment should therefore be made of each inmate's recreational interests and steps be taken to allow inmates to pursue their recreational

preferences [*American Correctional Association, 1983 : 110*].

#### 4.3.7 RELIGIOUS SERVICES

##### 4.3.7.1 Introduction

The Constitution of the Republic of South Africa mandates the correctional institutions to ensure all inmates right to voluntary exercise of their constitutional right to religious freedom, when this freedom does not interfere with the order and security of the institution. The importance of the religious program in a correctional institution cannot be overestimated. It is, therefore, critical that inmates be kept informed about opportunities to participate in religious programmes on a continuing basis.

##### 4.3.7.2 Chaplain's Role

The Department of Correctional Services require a chaplain to coordinate religious services and community resources to meet the religious needs of inmates. The chaplain should recognize the validity of all religious faiths.

Qualified chaplains who have the ecclesiastical endorsement from a recognized religious organization, according to administrative procedure, are appointed by the Department.

The functions of the chaplain include the following:

- ▶ Sacramental Ministry
- ▶ Religious Instructions
- ▶ Private and Personal Counselling Ministry
- ▶ Ministry to inmate's families and related or concerned persons
- ▶ Ministerial service to the staff and the operational personnel
- ▶ Interpretive Ministry to the Community.

A full time chaplain should always be available to provide regular religious services, individual and group counselling, family contacts and other services [*American Correctional Association, 1983 : 111 - 12*].

#### 4.3.8 SOCIAL SERVICES

##### 4.3.8.1 Introduction

In addition to its basic requirement for security, society now demands an additional response from correctional institutions. Society expects a positive effort be made towards the rehabilitation of inmates. To meet this challenge, the great majority of institutions are giving added stature to their social units.

The Social Service Unit is an integral part of the program of any institution. An efficient, well trained and adequately staffed Social Service Unit has an impact on every individual in the institution. In most

instances, this unit assumes the important responsibility of co-ordinating the treatment resources of the institution to offer each individual maximum opportunity for treatment [*American Correctional Association, 1983 : 113*].

#### 4.3.8.2 Treatment Programmes

The purpose of treatment provided by the Social Service Unit within a correctional setting is twofold:

- i] To help the inmate adjust to the institution and use the training and program facilities to fullest extent; and
- ii] To assist in making a satisfactory adjustment to life in a free community [*American Correctional Association, 1983 : 113*].

American Correctional Association Standards suggest that, to ensure inmates receive attention to their individual needs, each should be assigned to a staff member, such as a counsellor, or to a unit management team. In this way, each inmate can be assured access to at least one employee for advice and assistance. The staff member or team is expected to maintain continuing personal contact with the inmate.

In order to help inmates with their personal problems and with their adjustment to the institution, staff members should make time available, on a regularly scheduled basis, for appointments with inmates who

request them. Treatment officials should, therefore, include group therapy and individual counselling.

It is essential that the correctional officers and social service staff sit side by side, threshing out problems, getting first hand information on the other employee's job and, through that experience, each winding up as a better and more effective member of the correctional team. Proper training of all staff can help ensure that there is a working understanding of all institutional staff's roles and how they are interrelated to give benefit to inmates [*American Correctional Association, 1983 : 114 - 5*].

#### 4.3.9 MEDICAL AND HEALTH CARE SERVICES

##### 4.3.9.1 Introduction

When the State deprives individuals of the means by which they can provide for personal health care needs, it also acquires the responsibility for providing at least basic health care for all the individuals who are incarcerated. Therefore, the correctional institution has an obligation to provide certain health care services in the same sense it must provide food, shelter and clothing for the prisoner. Failure to meet this duty, can constitute cruelty and a gross violation of the inmate's constitutional right.

##### 4.3.9.2 Initial Phase

During admission phase, the checking of inmates should most importantly

observe mental alertness, over-all appearance, any physical abnormalities or appearance of rashes, scratches or other identifying marks.

Thereafter, a health appraisal should be completed for each inmate as soon after arrival to the institution as possible, in order to detect any health problems which may need immediate attention and to determine if the individual needs any further health care services.

Test results, particularly for communicable diseases, should be received and evaluated before an inmate is assigned to housing in the general population. Information regarding the inmate's physical and mental status may also dictate housing and activity assignments [*American Correctional Association, 1983 : 80 -1*].

#### 4.3.9.3 The Sick Call in Prison

With the exception of a sudden accident or a severe injury, sick call consists of an examination by a doctor involving a system of passes which allows the inmate to visit clinics.

Emergency passes should be kept to a minimum. But during sick calls, any person considered acutely ill, should be referred to the infirmary, including the mentally ill. Officials should consider unusual respiratory conditions. severe coughs. complaints of pain in the chest. obvious

indications of a severe cold; elevation of temperature, severe stomach complaints, abnormal cramps, nausea or vomiting, a cause to send to sick call [*American Correctional Association, 1983 : 81 - 2*].

#### 4.3.9.4 Emergency Calls

First aid kit[s] should be available in designated areas of the facility. The health authority should approve the contents, number, location and procedures for monthly inspection of the kit[s] [*American Correctional Association, 1983 : 82 - 3*].

### 4.4 THE ROLE OF THE CORRECTIONAL OFFICER

#### 4.4.1 INTRODUCTION

The management correction today, is a complex and a difficult task. At times there seems to be contradictory ideas in many people's minds with regard to the basic purpose of the correctional system. While various ideas are debated, such as the humanity of incarceration, or the value of treatment programmes, the reality is that correctional facilities must continue to be effectively managed and securely operated. Amidst the public controversy, and indifference regarding the correctional system, the correctional officer must perform the job in a competent and professional manner.

#### 4.4.2 RESPONSIBILITIES OF THE CORRECTIONAL OFFICER

The role of today's correctional officer is more involved than simply

providing custody. There are many tasks required and officers must understand the philosophy and function of the correctional institution in which they are employed to perform these tasks. The officers must also understand their limits of responsibility and amount of authority which can be used in the performance of their duties, as well as understanding their job in relationship to other employees. Ultimately the correctional officer is responsible for enforcement of the policies and rules of the Department and must be able to interpret these correctly, in order to maintain a safe and secure institution for both inmates and staff.

Enforcement of the correctional agency's policies also requires an understanding of court and legislative decisions that affect these policies. A correctional officer's awareness of legal issues in corrections is important for the protection of all concerned. This should include a general understanding of Prisoner Rights, as well as the rights and responsibilities of correctional staff.

The correctional officer is the most important correctional employee in an inmate's life and is in a critical position to assist with the positive changes expected of the inmate. Many decisions are made by officers which directly affect inmates on an individual basis - decisions relating to operating an institution, maintaining discipline, and treating those confined. Cell assignment, supervision meal shifts, isolation and punitive segregation, verbal reprimands, security classification, work and program

assignments, all combine to form a total programme for inmates.

A correctional officer must also be able to communicate inmate's actions, reactions and interactions to supervisors. A simple change in behaviour by an inmate could signal positive treatment progress or prison tension that could lead to a disturbance.

The supervisory responsibilities, loyalty expected from an officer, and daily interaction with inmates, creates a difficult and demanding environment for the correctional officer.

In order to cope with the variety of duties, the correctional officer must acquire the appropriate skills and knowledge through training [*American Correctional Association, 1983 : 8*].

#### 4.4.3 CORRECTIONAL OFFICER'S TRAINING

Most correctional officers enter service with little or no training, because of a lack of educational opportunities in this career market. This lack of training coupled with no prior experience can be explosive combination in a correctional institution.

The American Correctional Association Standards and Guidelines for the development of policies and procedures in adult correctional institutions require all new correctional officers receive 40 hours orientation and

training prior to independent assignment. This orientation/training should include, at a minimum, orientation to the purpose, goals, policies and procedures of the institution and parent agency, working conditions and regulations, responsibilities, rights of the confined, and an overview of the correctional field.

New correctional officers should also receive an additional 120 hours of training during the first year of employment and an additional 40 hours of training each subsequent year of employment. This training should cover:

- ▶ Security Procedures
- ▶ Supervision of Inmates
- ▶ Use of Force Regulations and Tactics
- ▶ Report Writing
- ▶ Inmate Rules and Regulations
- ▶ Rights and Responsibilities of Inmates
- ▶ Fire and Emergency Procedures
- ▶ Fire-arms Training
- ▶ Key Control
- ▶ Interpersonal Relations
- ▶ Social/Cultural Lifestyles of the Inmate Population
- ▶ Communication Skills
- ▶ First Aid [*American Correctional Association, 1983 : 8*].

#### 4.4.3.1 Training Goals

The training provided to develop the knowledge and skills of correctional officers, should be an ongoing process. Goals of such training are:

- ▶ To improve the skills of correctional officers for participation in supervision, classification and treatment of inmates
- ▶ To increase the effectiveness of correctional officers and thereby obtain greater efficiency and economy in operations
- ▶ To provide correctional officers the ability to recognize, understand and solve the problems which occur in the correctional institution
- ▶ To offer correctional officer opportunity for greater job satisfaction and broader career service [*American Correctional Association, 1983 : 8*].

#### 4.4.3.2 Benefits of Training

In view of these general goals, correctional officers should also consider the following benefits of training:

- ▶ To advance in rank and salary
- ▶ To achieve personal development
- ▶ To develop ease in handling work assignments
- ▶ To develop sound judgement
- ▶ To acquire knowledge of occupational hazards
- ▶ To improve working conditions
- ▶ To increase dignity and pride in employment - develop professional attitude

- ▶ To understand and practice the philosophy and policies of the institution
- ▶ To acquire job satisfaction [*American Correctional Association, 1983 : 8 - 9*].

## 4.5 INMATES RULES AND DISCIPLINE

### 4.5.1 INTRODUCTION

Every correctional institution has a number of rules of conduct for inmates which, if disobeyed, result in some form of punishment. Discipline is usually thought of as referring only to punishment of individuals for misconduct or other rule infractions. For this purpose, however, a more realistic definition is necessary.

Discipline includes the maintenance of good standards of work, sanitation, safety, education, personal health and recreation. From the above, discipline is then defined as - "That instruction, training, correction, guidance and supervision of individuals with respect to behaviour, which results in a continuing, orderly, acceptable way of life" [*American Correctional Association, 1983 : 56*].

### 4.5.2 OBJECTIVES OF PRISON DISCIPLINE

The ultimate goals of institutional discipline are to develop self-reliance, self-control, self-respect and self-discipline; not only the ability to conform to institutional regulations, but also the ability and the desire to conform to accepted standards for free society [*American Correctional Association*

1983 : 56].

An institution with a well-established and effective system of control and discipline is safer and it provides a more tolerable living and working environment.

The principal tool that is available to the prison administrator to enforce order, is the institutional disciplinary process [*Snarr and Wolford, 1985 : 248 and Snarr, 1996 : 143 - 144*]. Therefore the aim of having a disciplinary system in a prison is basically directed at the regulation of the behaviour of a prisoner to establish and maintain a socially acceptable environment in accordance with specific rules which apply in prison. In this way a sound balance is maintained through the reward of positive behaviour and the discouragement of negative behaviour [*Coetzee, Loubser and Krüger, 1995 : 87*].

By the same token, *Galliner [1989 : 301]*, states that in most correctional institutions the staff members have the authority to issue warnings and reprimands for violation of the institutional rules. Such infractions and punishments go into the prisoner's institutional file and may often make early release on parole much more difficult.

According to *Galliner [1989 : 301]*, the alternative forms of punishment

prison, or loss of any possibility of early release on parole. *Coetzee, Krüger and Loubser, [1995 : 88]*, contend that the regulations regarding discipline and control must be applied in accordance with the following principles:

- ▶ Discipline and order must be maintained firmly, but to no greater extent than is necessary for security purposes and an orderly community life in a prison
- ▶ In exercising control over a prisoner, a member or temporary warder must try to influence the prisoner towards good behaviour through personal example and sound leadership
- ▶ The aim regarding the treatment of prisoners must always be to promote their self-respect and stimulate a sense of responsibility in them. Therefore, the rules and regulations in prison, encourage the enforcement of discipline [*Ekstedt and Griffiths, 1988 : 194*].

#### 4.5.3 PRISON RULES

A prisoner shall be guilty of an offence against prison discipline if, for example:

- ▶ Disobeys any lawful order, or refuses or neglects to conform to these rules
- ▶ Treats with disrespect any official or any person visiting the prison
- ▶ Is idle, careless, or negligent at work or refuses to work
- ▶ Uses any abusive, insolent, threatening or other improper language

- ▶ Commits any assault
- ▶ Communicates with another prisoner without authority
- ▶ Leaves without permission any place in which he/she is required to be
- ▶ Loses by neglect prison property
- ▶ Wilfully disfigures or damages any part of the prison or any property which is not his/her own
- ▶ Commits any nuisance
- ▶ Takes improperly, or is in unauthorized possession of any article
- ▶ Gives to or receives from any person or has in his/her cell or possession any prohibited article
- ▶ Escapes from prison or from legal custody
- ▶ Mutinies or incites other prisoners to mutiny
- ▶ Makes repeated and groundless complaints
- ▶ In any way offends against good order and discipline
- ▶ Attempts to do any of the foregoing things [*Scraton, Sim and Skidmore, 1991 : 80 -1*].

#### 4.5.4 DISCIPLINARY PROCEDURE

During the 1970s the courts began to focus on the specific procedures used in prison disciplinary proceedings, seeking to resolve the wider issue of due-process requirements and the following was the US Supreme Court Ruling in 1974, namely:

- ▶ Advance written notice of the charge against an inmate must be provided to him/her at least twenty-four hours prior to his/her appearance before

the prison hearing committee

- ▶ There must be a written statement by the fact finders as to the documentary evidence relied upon and the reasons for the disciplinary action
- ▶ The prisoner should be allowed to call witnesses and present documentary evidence in his defence providing such actions would cause no undue hazards to institutional safety or correctional goals
- ▶ The inmate must be permitted representation by a fellow inmate or staff member when the prisoner is illiterate or when the complexity of the case goes beyond the capabilities of the person being charged
- ▶ The hearing committee must be impartial suggesting that those involved in any of the events leading up to the hearing - may not serve as members of the committee [*Inciardi, 1993 : 607*].

#### 4.5.5 FORMAL SANCTIONS

##### 4.5.5.1 Petty Offences

- ▶ Loss of right to smoke or loss of earnings, in whole or in part for a period not exceeding 14 days. Once earning again, the prisoner may be required to pay for any damage or loss caused by him or her
- ▶ Loss of any other privilege for a period not exceeding 28 days
- ▶ Forfeiture of parole days not exceeding 14 days
- ▶ Exclusion from working in association with other prisoners for a period not exceeding 14 days.

#### 4.5.5.2 Serious or 'repeated' offences

- ▶ Loss of right to smoke or loss of earnings, in whole or in part for a period not exceeding 28 days. Once earning again, the prisoner may be required to pay for any damage or loss caused by him or her
- ▶ Loss of any other privileges for unlimited number of days
- ▶ Forfeiture of unlimited number of parole days
- ▶ Exclusion from working in association with other prisoners for a period not exceeding 28 days
- ▶ Degradation to lower classification level and recommendation for a transfer to the relevant section or prison by Institution Committee [*Scraton, Sim and Skidmore, 1991 : 83*].

#### 4.5.6 VIOLATION OF LAW

Violation of existing statutes are subject to the penalties provided by law, whether committed by inmates or persons in the outside community. Obviously murder, assault, fighting, stealing, forgery, sodomy, homosexuality, drug peddling, manufacture of bootleg liquor, drunkenness, gambling, perjure, subversion, falsifying official records, bribery and many other offenses committed by inmates, are established as a violation of law. When an inmate allegedly commits an act, covered by Criminal Law, the case is referred to appropriate court or law enforcement officials for consideration for prosecution [*American Correctional Association, 1983 : 57*].

## 4.6 INMATE'S BASIC NEEDS

The basic needs of inmates will be discussed here under.

### 4.6.1 FOOD SUPPLIES

All foodstuffs used with the institution for the purpose of feeding the inmates should be of the best quality available, within the budget provided and in sufficient quantity to guarantee a wholesome diet [*American Correctional Association, 1983 : 70*].

Food preparation is one of the most important duties of the Food Service Manager. Considerations of time limits in getting the food prepared and served; security in the handling of tools and utensils, such as knives, meat saws, the up-keep and sanitation of all work areas and utensils, the health of those inmates handling foodstuffs, are food service manager's priorities.

### 4.6.2 LAUNDRY PROGRAMMES

All inmates are provided clothing which is properly fitted, suitable to the climate, and appropriate to meet the needs of the situation, including sanitation and safety requirements.

All inmates should be supplied with bedding and linen, sufficient to provide comfortable, sanitary and safe conditions during the entire period

of confinement [*American Correctional Association, 1983 : 76*].

#### 4.6.3 HYGIENE PROGRAMMES

There should be sufficient bathing facilities in housing areas to permit general population inmates to shower at least three times a week.

Facilities should also be provided where inmates can obtain needed hair care services [*American Correctional Association, 1983 : 77*].

#### 4.7 PREPARATION FOR RELEASE

The preparation for release includes the following:

##### 4.7.1 PRE-RELEASE PROGRAMMES

In ever increasing numbers, institutions are establishing special pre-release programmes to orientate inmates with parole expectations, social and economic situations to which they are returning, and the kinds of agencies and services that can help.

Programmes to prepare inmates for release can include lectures and discussions that address the concerns of soon-to-be released inmates, individual counselling that focuses on each inmate's particular needs, pre-release visits by parole officers and family members, and graduated

release through short furloughs.

When possible, provision should be made for work or study release, extended visits to family and community; or placement in a pre-release centre or halfway house.

Carefully selected inmates should be allowed to participate in community-based programmes which will facilitate transition from prison to the community. Such participation is limited to inmates who are considered minimum security risks and who are within one year anticipated release [*American Correctional Association, 1983 : 118 - 9*].

Inmates face many problems upon release from prison. Most releasees have limited or no financial resources. Many do not have employment and some do not have residences and families to whom they may return. Most receive indifferent or hostile reactions from the community. Those who have been incarcerated for long periods of time have the additional problem of catching up on how contemporary society does things. All encounter emotional problems in reacting to the new environment, and many feel depressed, estranged, lonely, and rejected. Some institutions offer training sessions to assist inmates in preparing for release; others offer halfway programs for a gradual re-entry into society. Most make some attempt to deal with the two most immediate problems -

#### 4.7.1.1 Furloughs

To qualify for a home furlough, an inmate must have minimum security status and a clean disciplinary record and be near the end of confinement [Bartollas and Conrad, 1992 : 273]. For this reason, the probation service task of supervising offenders in the community, extends to the supervision of people released from prison after serving the custodial part of their sentences [Osler, 1995 : 123]. Furloughs are brief absences from the institution, usually for a specified purpose other than work or study. Furloughs may be granted to allow inmates to visit sick relatives, attend family funerals, secure employment, obtain a driver's licence, meet with future parole officers, arrange for housing, or visit family members [Reid, 1994 : 666].

“Furlough Program” means a program under which eligible inmates may be granted the privilege of leaving the premises of an institution for a period not exceeding seven days for the purpose mentioned above or for any matter necessary to the furtherance of any such purposes [Inciardi, 1993 : 660].

The Statute further provides that to be eligible for the program, an inmate must:

- ▶ Maintain a clear disciplinary record for at least six months prior to consideration

become a law-abiding member of society

- ▶ Satisfy any other reasonable requirements imposed upon him by the Department
- ▶ Have an identifiable need for and willingness to participate in authorized community-based programs and rehabilitative services
- ▶ Have been committed to the Department of Corrections and is near the end of confinement [*McShane and Krause, 1993 : 209*].

#### 4.7.1.2 Work-Release

Work-release is an alternative to total incarceration whereby inmates are permitted to work for pay in the free community [*Inciardi, 1993 : 661*].

Eligibility for work-release emphasizes many factors, such as the fact that the offender should have less than one year remaining for parole before qualifying. But the following offenders are excluded from the pool of qualified persons:

- ▶ Conviction of violent crime
- ▶ Conviction of a sex crime
- ▶ Narcotics sale or use
- ▶ Problems with alcohol
- ▶ Multiple felony convictions [career criminal]
- ▶ Known member of organized crime.

[*Alpert, 1984 : 130*].

general objectives of work release, namely:

- ▶ To ease the transition from prison to community life
- ▶ To place offenders in jobs they can retain following release
- ▶ To give inmates a means of financial support
- ▶ To help them support their families
- ▶ To enable correctional officials to determine their readiness for parole
- ▶ To preserve family and community ties.

[See Annexures A, B, C, D and E].

#### 4.7.1.3 Educational Release

The purpose of education release programs is to allow the offender access to community academic and vocational programs. The hope is that the offender will be exposed to greater quality education, updated equipment and will be affected in a positive way from the socialization with fellow classmates and instructors. Secondly, by using community resources, the correctional institutions are spared the expenses of staffing and duplicating facilities within the correctional facility [*Doeren and Hageman, 1982 : 166*]. There are several reasons why educational release occurs less frequently in our prisons:

- ▶ Many inmates cannot qualify for College level work, because they are not high school graduates
- ▶ Community Colleges and Universities often offer courses within the prison for those who are interested and qualified

- ▶ Corrections Institutions are often isolated from College or University campuses
- ▶ Work-release simply has a longer history and more public acceptance than educational release [*Bartollas and Conrad, 1992 : 272 - 3*].

#### 4.7.1.4 Halfway Houses

All Halfway Houses are not alike. Generally, a correctional Halfway House may be defined as a transitional community-based residential facility, that is designed to facilitate the offender's difficult transition from incarceration to community living or to serve as an alternative to incarceration. Halfway Houses attempt to reintegrate their clients into community living through the provision of concentrated supportive services, such as a home, assistance in vocational counselling/training and finding employment, financial support, educational opportunities, psychological and emotional support/counselling, community activities, and recreational opportunities, referral services and a supportive environment [*Doeren and Hageman, 1982 : 197 - 8*].

*Bartollas and Conrad [1992 : 274]*, conceptualizes four stages that are somewhat typical for the inmate who is paroled to a Halfway House, namely:

- ▶ Detachment stage, which is experienced by residents who have just been released from prison
- ▶ They enter the second stage, when they become involved in community

life by looking for a job or by going home on week-ends

- ▶ The third stage occurs when they come to terms with both the challenges and the problems of community life
- ▶ The final stage takes two or three weeks before release when residents get “pre-release jitters”.

Community-based corrections use more diversionary treatment whereby inmates can maintain contact with their children and family and receive counselling, job training, job placement, medical assistance and other services [*Moyer, 1985 : 112*].

If any inmate fails to return or remain within the limits of the approved pre-release plan, the field parole officer shall conduct an immediate investigation to determine if the inmate was absconded willfully. If an escape did occur, normal escape procedures and charges shall be instituted as required for the regular inmate population [*American Correctional Association, 1983 : 118 - 9*].

#### 4.7.2 THE INSTITUTIONAL PAROLE OFFICER'S ROLE

The institutional parole officer or other assigned staff, plays an important part in the pre-parole program. As a member of the Institutional Committee, this officer serves as liaison between the Committee, Parole Board and Parole Field Staff. Interpretation of board and parole policies

with the custodial staff in developing the pre-parole training program are functions of this employee.

When the inmate is ready for parole release the institutional parole officer aids developing a formal parole plan for the consideration of the Parole Board and directs the plan to the field parole staff for investigation and parole approval. After parole has been granted, the officer participates in the pre-release program to interpret the parole program and individually interpret the parole conditions and instructions to the new parolees.

The Institutional Parole Officer attends parole hearings, later interpreting the action of the Parole Board to those inmates who were denied parole when the Board itself does not do so [*American Correctional Association, 1983 : 119*].

#### 4.7.3 THE FIELD PAROLE OFFICER'S ROLE

The Field Parole Officer has certain investigatory functions in addition to the supervision of parolees. Soon after the inmate has been received at the institution, the Field Officer may be asked to make investigations to supplement the records received by the court. The Field Officer should contact the inmate's family soon after the inmate enters the institution, discussed immediate and long range problem resulting from the commitment, and refer them to agencies where they can obtain

friends, and former employees for the inmate's future return and acceptance in the community [*American Correctional Association, 1983 : 119*].

The Field Officer should visit the institution periodically to interview potential parolees and help them maintain their family and community contacts. After parole release has been granted, subject to the development and approval of a parole plan, the field officer investigates the living and employment plan forwarded by the institutional parole officer and submits recommendation for approval or disapproval to the Parole Board. If the residence or job is disapproved, the field officer attempts to identify a more suitable plan to submit to the Board for consideration [*American Correctional Association, 1983 : 119 - 20*].

The ultimate goal of the field parole officer will be parole supervision which comprises of treatment service and surveillance. In treatment the officer attempts to discover underlying social and emotional problems, to assist parolees in gaining insight into problems, to guide parolees towards resolving these problems and to help them obtain specialized professional help for problems with which the officer cannot deal [*American Correctional Association, 1983 : 120*].

Surveillance is required in every case to keep authorities informed of the parolee whereabouts, activities and conduct. It should enable the

immediate return to custody those parolees whose behaviour become threatening to the safety of society or themselves. Parole supervision is further discussed in chapter six.

#### 4.8 **SUMMARY**

In most jurisdictions around the world, parole continues to be an integral part of the correctional system.

The correctional officers, as well as other employees play a major role in preparing the inmates for parole release. This is best accomplished by assisting inmates in the development of positive attitudes and behaviour which are necessary for a law abiding life within the free community.

CHAPTER 5COMMUNITY INVOLVEMENT IN  
PAROLE5 INTRODUCTIONS

This chapter focuses on the roles of the Volunteers and the Para-professionals in the parole system.

One of the most serious problems facing the correctional agencies is the shortage of personnel, required to implement correctional programs. Staff limitations invariably reduce the quality and quantity of services that can be offered to offenders.

According to *McCarthy and McCarthy [1991 : 371]* this problem may be largely overcome by the focused and careful utilization of unpaid citizens and the employment of para-professionals in various parole programmes.

5.1 WHAT IS A VOLUNTEER

A volunteer is a person who gives of his/her time, expertise and skills to benefit a specific individual organisation, or community without any financial reward for services provided [*National Council for Mental Health, 1989 : 5*]. In the broadest sense of the term, a volunteer is any man, woman, group or organisation who in some way provides a service

sense, are people who receive no payment for what they do, although out-of-pocket expenses may be reimbursed.

In recent years, however, the term volunteer has also been raised to describe non-professional helpers who are paid small amount for their services [Johnson, 1987 : 94]. This statement is confirmed by the National Council for Mental Health, in South Africa [1989 : 9]

#### 5.1.1 THE CHARACTERISTICS OF THE VOLUNTEERS

According to the National Council for Mental Health [1989 : 5], people who volunteer have the following characteristics, namely:

- ▶ They believe in the cause for which they volunteer
- ▶ They have a definite interest in the area of their involvement
- ▶ They have time available which they want to utilise meaningfully
- ▶ They have knowledge and expertise which can benefit the individual, organisation or community in which they are interested
- ▶ They have a need to serve fellow persons and the community
- ▶ They offer their services by choice when they become aware of the needs
- ▶ They respond positively to recruitment drives when they become aware of need areas in which they are interested
- ▶ They derive satisfaction from their volunteer involvement

Therefore, motives for becoming a volunteer are quite mixed. Most

with the community, and experience, are reasons often given.

The services of the volunteer can take a variety of forms. Some may involve the supervision of released offenders [*Henningsen, 1981 : 119*].

The supervision of the parolees will be discussed in Chapter Six.

However, explanations about the reasons of people taking part in voluntary activity are more specifically linked to their field of interest [*Poulton, 1988 : 22*].

Therefore, their expectations of the organisation are often vague or unrealistic.

Sometimes it is those talented volunteers with the greatest expectations of the organisation, who tend to be disappointed in the work that is offered to them [*Darvill and Munday, 1984 : 47*].

The training of the volunteers will be discussed under point 5.11.4. Therefore, the problems caused by facile assumptions about the motives of employees have been well documented, but the difficulties for volunteers are in many respects more basic [*Pearce 1993 : 9*].

The problems of volunteers limited time, uncertain motives, and a high

degree of individual independence can result in debilitating levels of uncertainty for organisational volunteers.

Volunteers need to adopt a "shared" definition of the situation before they can take action [*Pearce, 1993 : 9*].

The reason therefore is because volunteer work is usually done part-time, often just a few hours a month. It is a spare time "leisure activity" [*Pearce, 1993 : 10*].

#### 5.1.2 VOLUNTEER ROLES AND TASKS

Two categories of volunteers with rather differing roles, can be distinguished. There are those who are recruited by the Community Liaison Officers and placed with individuals or families requiring assistance in a residential group. Therefor there are those who became involved in community groups through the Community Development Officers [*Darvill and Munday, 1984 : 67*].

In South Africa the role of the volunteer is rooted in historical development of voluntary welfare services. As is the case elsewhere, it was concerned citizens who initiated action to meet the needs of underprivileged groups and the poor.

certain field, felt that some social action is needed to be taken to address a problem. The community member then voluntarily took on the responsibility of mobilising the community into action. A study of the historical development of various welfare organisations in South Africa will testify to this fact.

At the beginning of this century the term "social worker" was used to refer to volunteers who devoted most of their time to serve the community. As society became more complex, problems also became more complex. This led to the training of professionally qualified social workers who took over the role of the voluntary "social workers".

In terms of South Africa's current welfare policy, voluntary welfare organisations, and therefore volunteers, have a central place in the delivery of welfare services. The National Welfare Act, Act Number 100 of 1978, prescribes that the Board of Management of a voluntary welfare organisation shall consist of at least seven people, elected from the members of the organisation. The role of the committee member is the only role prescribed in legislation.

All voluntary welfare organisations in South Africa use volunteers to some extent. If we take into consideration the unmet needs of resources such as money and paid manpower to meet those needs, it is obvious that every effort should be made to mobilise the rich untapped volunteer

resources in South African society [*The National Council for Mental Health, 1989 : 9 - 10*].

Involvement of the first category of volunteers usually start with requests mainly from social workers, for a volunteer to help a person in need. With the latter, the objective may be to help keep a person in the community by supplementing the assistance provided by domiciliary services, but it may also be to help someone through a temporary crisis, such as returning home from prison [*Darvill and Munday, 1984 : 67*].

Therefore, volunteers can bring new energy, ideas, talents, and resources, such as community good will and influence to the agency.

The volunteers can augment the jobs of agency personnel by providing support services, such as clerical and reception services.

The volunteers can be used to perform direct service tasks that do not require professional training or skills, for example: telephone contact with clients [*Rapp and Poertner, 1992 : 235*]. Volunteers with proper training and supervision can become service providers in their own right. At times, volunteers can be used to make a resource available to clients who otherwise would be inaccessible. In short, community volunteers can be an important human resource for the client-centred agency [*Rapp and*

According to *Heyns, Mokwena and Ncholo [1993 : 38]*, people who volunteer for development, must have a skill to offer and a basic level of economic well-being before they are able to sacrifice time in the name of development and voluntarism.

Before seeking volunteers, the organisation must examine its needs and determine the types of expertise that it will require from volunteers.

A plan for recruitment should be developed so that persons possessing the needed skills, can be sought.

Finally, the organisation should have a well planned selection process that permits carefully, decisions to be made regarding volunteers who are chosen [*Rapp and Poertner, 1992 : 236*].

However, explanations about the reasons of people taking part in voluntary activity are more specifically linked to their field of interest [*Poulton, 1988 : 22*].

### 5.1.3 THE MEANING OF VOLUNTEER WORK

According to *Pearce [1993 : 9]*, volunteer work is work - working within a formal structure to provide a service to others - and it is a "leisure activity" - something done whenever convenient, because it is personally

would agree on three main points that is concerned with activities which people undertake, namely:

- ▶ of their own free will
- ▶ without payment [other than out-of-pocket expenses]
- ▶ for the benefit of the community, other than family, and friends [*A Resource Manual, 1988 : 9*].

While people's motives vary considerably, three intrinsic elements can be recognised:

- ▶ Firstly, that volunteers choose to engage in an activity
- ▶ Secondly, that while some volunteers may be looking for paid work, their volunteer work is clearly not about monetary payment
- ▶ Thirdly, their involvement adds a value to the community [*A Resource Manual, 1988 : 10*].

By the same token, *Hedley and Smith [1992 : 6]*, state that the description of volunteers have focus on three elements, namely:

- The element of free choice
- The gift of time
- The lack of payment.

## 5.2 CITIZEN PARTICIPATION IN COMMUNITY CORRECTIONS

Few persons would dispute the need for citizen participation in

a correctional system should reflect community sentiments.

An involved and informed public is essential for conscientious, intelligent decision-making, otherwise, our correctional services will be shaped only by political and bureaucratic interests [*McCarthy and McCarthy, 1991 : 371*]. It was argued that voluntary organisations are inherently political. Sometimes this involves explicit action through campaigning, advocacy or some other way of exercising influence.

On other occasions it is the more passive role of providing a particular service or being available as one part of the mixed economy of social welfare [*Reading, 1994 : 13*].

Unfortunately, relations between correctional agencies and the citizens they ultimately serve, have not always been good.

Correctional administrators have sometimes viewed interested citizens as meddlers in correctional affairs.

The majority of citizens has been content to allow public servants to bear the full responsibility for planning and administering penal programs - until a particularly heinous crime or prison riot focuses community outrage on the correctional system [*McCarthy and McCarthy, 1991 : 371*].

Distrust has characterized what little communication has existed between the community and its Criminal Justice System. According to *McCarthy and McCarthy* [1991 : 371], Correctional Administrators in many jurisdictions are learning that citizen involvement can enhance correctional efforts and that open lines of communication can facilitate, rather than inhibit, the accomplishment of correctional objectives. *McCarthy and McCarthy* [1991 : 371 - 2], state that citizens can fulfill many needs in our Correctional System.

The National Advisory Commission on Criminal Justice Standards and goals, emphasized three distinct aspects of community involvement:

- policy-making
- reform efforts
- direct service roles.

The role of the public, and the community, in the Criminal Justice System has received surprising little systematic evaluation.

Although in a minority, volunteers operate alongside the police and the probation service, including work in prisons [*Gill and Mawby, 1990 : 1*].

#### 5.2.1 POLICY-MAKING

According to *McCarthy and McCarthy* [1991 : 372], citizens serve in a variety of policy-making capacities in corrections. They often work on

task forces or participate in studies, committees, and advisory boards.

State and Local Government, Criminal Justice Planners, or Correctional Administrators.

These groups may comprised of politically influential citizens, who serve as "social persuaders", willing to use their influence to promote support for correctional programs. Therefore, there is also a need to select representatives of a broad cross section of the community in formulating these citizen boards so that no single interest group is allowed to dominate the advisory process [*McCarthy and McCarthy, 1991 : 372*].

As long as the tasks assigned to these groups are meaningful, with clearly stated objectives and purposes, these organisations are likely to provide valuable assistance.

When the groups are developed and implemented, merely to promote a facade of citizen involvement, they are destined to result in what may be a bitter failure [*McCarthy and McCarthy, 1991 : 372*].

Therefore, citizen involvement in policy-making may also be achieved through the development of independent citizen groups, established on a voluntary basis. State Councils on crime and delinquency affiliated with the National Council on crime and delinquency, are examples of such organisations.

They are frequently comprised of leading citizens, capable of facilitating community action. Their membership is drawn from a wide variety of individuals and interest groups who support the councils with voluntary contributions [*McCarthy and McCarthy, 1991 : 372*].

### 5.2.2 REFORM EFFORTS

According to *McCarthy and McCarthy [1991 : 372]*, citizen involvement in corrections for the purpose of influencing correctional programs and planning is not necessarily initiated from inside the system.

Religious, ethnic, and political organisations and associations of ex-offenders may direct their attention to correctional efforts critiquing current policy and suggesting and promoting reforms.

Not surprisingly, Correctional Administrators often have more difficulty in working with representatives of these groups than with members of advisory commissions, established under their own direction [*McCarthy and McCarthy, 1991 : 372*].

Therefore, such working relationships are essential, however, not only because of the valuable input they may provide, but because as public servants, corrections officials need to be responsive to all their constituencies. Open lines of communication can reap considerable

benefits in understanding and cooperation [*McCarthy and McCarthy, 1991 : 372*].

### 5.2.3 DIRECT SERVICE ROLES

According to *McCarthy and McCarthy [1991 : 372]*, most of the citizens who become involved in correctional efforts do so in direct service roles. They serve as volunteers in all forms of correctional programs, institutional as well as community-based.

Therefore, the massive use of volunteers in community corrections warrants an in-depth examination of their efforts and experiences [*McCarthy and McCarthy, 1991 : 372 - 373*]. The following sections review the development of volunteer services in community corrections and current patterns of volunteer utilization, focussing on problems and issues in program administration and evaluation.

## 5.3 VOLUNTEERS IN COMMUNITY CORRECTIONS

The historical development of volunteers will be discussed here-under.

### 5.3.1 HISTORICAL PERSPECTIVE

Although many community correctional programs represent new developments in corrections, the use of volunteers dates back almost 200 years.

The first volunteer efforts originated in England in the form of prisoner visiting programs developed by John Howard and Elizabeth Fry [*McCarthy and McCarthy, 1991 : 373*].

Elizabeth Fry began volunteer work in the women's section of London's Newgate Prison in 1813.

Fry was so appalled at the state of degradation and misery in the prison - the sight of almost naked babies who had been born in the prison, the lack of clothing and bedding for inmates - almost single handed tried to correct the abuses, found after the death of Elizabeth Fry in 1845, a lay visitors group for women was established [*McCarthy and McCarthy, 1991 : 373*].

Although the Philadelphia society for alleviating the miseries of public prisons has been visiting prisoners since colonial times, little active visitation occurred until the turn of the century.

The visiting that did occur, was generally informal and merely tolerated by prison officials, visits were most frequently permitted to help long-term prisoners maintain contact with the community [*McCarthy and McCarthy, 1991 : 373 - 374*].

whose activities led to the development of Contemporary Probation Services. Augustus' efforts encouraged other citizens to contribute their energies to assist criminal offenders, but eventually probation was professionalized and citizen involvement, but all disappeared. It was not until 1959 that citizens were again provided the opportunity and encouragement to contribute their time and energies to offender [McCarthy and McCarthy, 1991 : 374].

### 5.3.2 VOLUNTEERING AND SOCIETY

#### 5.3.2.1 The Volunteer Boom

*Hedly and Smith [1992 : 11]* state that before the 1960's, voluntary work in the United Kingdom was more or less synonymous with Philanthropic work on behalf of Charitable and Voluntary Organisations, generally carried out by middle-class or upper-class people of middle age.

The stereotyped image was that of the "Lady Bountiful". There were also vigorous traditions of working-class, self-help and mutual-aid, based on such networks as Trade Unions and friendly societies - though these would seldom have been recognised by those involved as "volunteering".

After the foundation of the welfare state in the late 1940's, these traditional volunteers found themselves somewhat sidelined, as the National Health Service and Local Government Welfare Services expanded to take over many of the activities previously carried out on a

voluntary basis.

However, the 1960's saw a major revival of interest in volunteering, accompanied by marked change in public perceptions of volunteers and their role in society [*Hedley and Smith, 1992 : 11*].

#### 5.3.2.2 Volunteering in the 1980's

A study of volunteer programs by the National Council on Crime and Delinquency, estimated that there were about 250,000 persons working in almost 4,000 volunteer programs across the United States.

In 1981 Kratcoski and others, surveyed volunteers in thirty-six programs and reported that most volunteers were white and well educated. Although most of the volunteers were female, a significant minority was male [*McCarthy and McCarthy, 1991 : 378*].

#### 5.3.2.3 Volunteering in the 1990's

In the 1990's the key issue of volunteering was certainly that of community care. Community care enable people to live independent lives in the community, rather than looking after them in hospitals or prisons - has been the theoretical goal of government policy since the 1950s.

It was only since the end of the 1970's, however, that it has been put into practice with real vigour. There is clearly considerable potential for

volunteers to assist in the transition from institutional to community care, and to provide continuing support for people within the community [*Hedley and Smith, 1992 : 24*].

#### 5.4 SERVICE ROLES FOR THE CORRECTIONAL VOLUNTEER

There seems to be no limit to the roles for today's volunteer in community corrections. *Schier and Berry in McCarthy and McCarthy [1991 : 375]*, have identified ten general roles that volunteers may fulfill, namely:

- ▶ Support, friendship, someone who cares and will listen. By the same token *Henningsen [1981 : 119]* states that the volunteers tend to possess the basic personal qualities sought in professional staff members, namely:
  - typically, the volunteer is a sensitive and concerned individual with maturity and control over his own life.

The volunteer finds his work interesting and enjoys being of service to others in the community.

- ▶ Many volunteers also have prior experience that would qualify them to work as paid professionals, and a certain percentage find their volunteer work so rewarding that they do job parole staffs.

##### 5.4.1 ORIGINS OF VOLUNTEERS IN PAROLE

During the early stages of the present parole system, volunteer prisoners and societies were formed to help released prisoners find employment

supervisors were also volunteers and this situation obtained in the State of Texas until 1958 [*Henningsen, 1981 : 120*]. Parole supervision will be discussed in Chapter Six.

#### 5.4.2 DECLINE IN USE OF VOLUNTEERS

Following the early reliance on volunteer service in the United States, there was a movement away from the use of volunteers for supervision of released offenders. Volunteer programs require suitable people with the time and talent necessary for effective supervision, and many experts came to believe that supervision could be handled more reliably by fulltime paid professionals.

Accordingly, Statutes were passed authorizing payment of salaries to professional personnel, and volunteers turned their attention to other areas [*Henningsen, 1981 : 120*].

#### 5.4.3 REVIVAL OF VOLUNTARISM IN PAROLE

After the movement towards paid supervisors in parole, a swing back to volunteers began in the mid twentieth century.

Although exclusive reliance on volunteers is relatively rare, the number of volunteers used in conjunction with professional staff for parole supervision has since increased dramatically [*Henningsen, 1981 : 120*].

#### 5.4.4 USE OF VOLUNTEERS

According to *Callison [1983 : 164]* the religious organisation was prime movers in this undertaking.

The motivation to do good endures, volunteers replaced the religious preaching with the provision of professionally supervised services. Therefore, the volunteers may be friends or acquaintances of correctional personnel, members of service organisations, college-educated personnel, professionals such as attorneys, teachers, insurance agents personnel and sales people.

However, the volunteers can accompany offenders to starting events and social activities and assist them in finding a residence, usable clothing, suitable reading material, and second hand furniture.

In some instances, when correctional agencies need money to implement programs not funded by the State, or federal appropriations, volunteers aid fund-raising efforts [*Callison, 1983 : 165*].

By the same token, *Carter, Glaser and Wilkins [1984 : 237]*, state that to raise funds, volunteer projects utilize four sources, namely:

- ▶ State Government
- ▶ Local Government
- ▶ Federal grants

which the offender will return, the character of those with whom the offender will associate, and offender's residence and employment program.

[*Callison, 1983 : 240*].

#### 3.4.4 PAROLE HEARINGS

There are several types of parole-related hearings. In some States where indeterminate sentences are used, the Parole Board sets the offender's minimum parole eligibility date. In other jurisdictions, the parole eligibility date is set by Statute or by Court Order. After eligibility date has been fixed, the Parole Board may conduct additional hearings to review cases on an annual bases to assess inmate progress [*Bernard and McCarthy, 1991 : 256 - 7*]. In most jurisdictions the offender has no statutory rights in the parole consideration process, except in some instances the right to a personal appearance before the Parole Board [*Amos and Newman, 1975 : 6 - 7*].

The Model Penal Code, drafted by the American Law Institute, recommends consideration of the following factors:

- ▶ The prisoner's personality, including his maturity, stability, sense of responsibility, and any apparent development in his personality that may promote or hinder his conformity to law
- ▶ The adequacy of the prisoner's parole plan

- ▶ The prisoner's ability and readiness to assume obligations and undertake responsibilities
- ▶ The prisoner's intelligence and training
- ▶ The prisoner's family status and whether he has other close and constructive associations in the community
- ▶ The prisoner's employment history, his occupational skills, and the stability of his past employment.

[*Bernard and McCarthy, 1991 : 257*].

By the same token *Amos and Newman [1975 : 7]*, state that the above Penal Code represents a turn-around in the traditional assumption that the burden of proof rests on the inmate, and it proposes that an inmate is to be released on parole when he is first eligible unless:

- ▶ There is a substantial indication that he will not conform to conditions of parole
- ▶ His release at that time would depreciate the seriousness of the crime or promote disrespect for the law
- ▶ His release would have substantially adverse effect on institutional discipline
- ▶ His continued correctional treatment, medical care, or vocational or other training in the institution, will substantially enhance his capacity to lead a law-abiding life when released at a later date.

### 3.4.5 PROCEDURAL GUIDELINES

Development of guidelines for desirable parole hearings should address several concerns simultaneously, namely:

- ▶ Such hearings should provide parole authorities with as much relevant and reliable information about each case as possible
- ▶ The hearing process itself, should carry the hallmark of fairness
- ▶ As far as possible, the hearing should enhance the prospects for an inmate's successful completion of his parole.

[*Amos and Newman, 1975 : 7 - 8*].

### 3.4.6 PAROLE DECISION-MAKING : REQUIREMENTS

Until the late 1980s, Parole Boards, like other administrative agencies, were reluctant to place limits on the exercise of their discretion. Board members made individual, case-by-case decisions in an *ad hoc* fashion. In the absence of explicit agency policy governing their decisions, they were able to emphasize whatever correctional goals they felt applied to particular cases. Ultimately, they were empowered to grant or deny parole within a context of enormous discretion and without concern for accountability [*Rhine, Smith and Jackson, 1991 : 167*].

One of the more salient developments with respect to paroling authorities worldwide has been the movement towards structured parole decision-making. Nonetheless, structured parole decision-making is not

synonymous with the development of parole guidelines. As defined by McCarthy, a structured decision-making approach:

Refers to the making of individual case decisions in accordance with explicit goals and policies determined by the larger, policy-making body  
*[Rhine, Smith and Jackson, 1991 : 167].*

#### 3.4.6.1 Parole Plan

The release decision weighs heavily on the ability of an inmate to develop a comprehensive and realistic parole plan. A parole plan may be submitted in writing or may be described in an oral interview. Components of a good plan include, a place to live, a job, transportation, assumption of family responsibilities, and appropriate uses of leisure time  
*[McShane and Krause, 1993 : 214].*

#### 3.4.6.2 Presumptive dates of Parole

Some legislatures have passed a law giving the Parole Board the authority to assign tentative parole dates to incoming prisoners. The corrections system expects inmates to participate in education and counselling programs while incarcerated in order to be considered for release  
*[McShane and Krause, 1993 : 215].*

The use of the presumptive parole date is often advocated by inmates and institutional staff, because it allows for more realistic planning for

release. Advance notice can be used positively by inmates as well as their families to prepare for the release. Education and job plans often take time to arrange; knowing a release date would facilitate these plans. Advocates of presumptive parole dates also suggest that this system serves as a genuine incentive in a prison where there are few incentives or rewards. Critics of the State Statute argue that its function is primarily cosmetic, because in each case the Board uses its discretion in deciding whether to issue a tentative date. The Board may also decide not to release an offender once that date arrives, if it no longer appears appropriate to do so [*McShane and Krause, 1993 : 215 - 6*].

In a 1982 study of the above issue, new prison inmates were divided into two groups. One group received notice of the projected date of their release on parole and the other group did not. Researchers monitored those who were told their presumptive parole dates to see if this knowledge would adversely affect their time in prison. Results indicated that the group with notice of a parole date did not get into any more disciplinary trouble than did the control group who had no indication of a possible release date [see Parole Procedure on Annexure "F"] [*McShane and Krause, 1993 : 216*].

#### 3.4.6.3 Prediction Techniques

Over the years, correctional practitioners and theorists have endeavoured

to incorporate objective techniques of predicting future behaviour of inmates into the Parole Selection Process. Norval Morris suggests that there are three types of predictions of human behaviour:

- ▶ Anamnestic, based on observations of past behaviour in identical or similar situations
- ▶ Categoristic, based on statistical compilations which predict repetition of certain behaviour for certain people
- ▶ Intuitive, based on purely intuitive or subjective information.

[*Callison, 1983 : 243*].

The Federal Parole Commission designed the Salient Factor Score instrument to indicate the likelihood that an offender will be successful on parole. The instrument contains six terms that a number of research studies have shown to be associated with recidivism. The higher an offender scores, the more likely he or she is to have a favourable supervision period and the lower is the probability of recidivism [these items appear on Annexure "G"] [*McShane and Krause, 1993 : 219 - 20*] and [*Pursley, 1987 : 600 - 2*].

#### 3.4.6.4 Citizen Input into the Parole Decision

As part of the decision-making process, the Parole Board may receive input from interested citizens. The input of third party participants, may be obtained on a formal or informal basis, depending on the structure of

the process in a given jurisdiction. Anyone who wishes to support an inmate's parole request, may submit letters of recommendation and reference, including job opportunities, offers of a place to live, or testimony about how the inmate has changed for better during incarceration. Such letters or testimony are often provided by family members, community representatives, or officials of a church [*McShane and Krause, 1993 : 223*].

Persons who have been victimized by crime, have a vested interest in the decision to release the offenders who have harmed them. More than one-third of the States have procedures for obtaining victim input into the Parole Hearing Process [*McShane and Krause, 1993 : 223*].

#### 3.4.6.5 Aggravating and Mitigating Factors

The extent to which States with parole guidelines grids actually implement them is unknown. What is clear is that States allow for mitigating and aggravating factors which may, in turn, preempt or alter the decision that would be made based on the grid alone [*Rhine, Smith and Jackson, 1991 : 73*].

Alaska has an extensive list of "good cause" to depart from guideline ranges:

#### 3.4.6.5.1 Aggravating Factors

- ▶ Aggravated or sophisticated offense behaviour
- ▶ Substantial negative impact on the victim
- ▶ Magnitude of the offense
- ▶ Violation of position of trust, or vulnerable victim
- ▶ Multiple offenses/counts/victims
- ▶ Extensive prior record
- ▶ Pattern of repetitive criminal behaviour and/or violence
- ▶ Repeated probation/parole failures
- ▶ Failure on pretrial diversion or bond/bail failures
- ▶ Other verified criminal behaviour
- ▶ Lengthy history of alcohol/drug abuse
- ▶ Failure to take advantage of alcohol/drug programming before
- ▶ Poor institutional behaviour
- ▶ Failure to make restitution when able to do so
- ▶ Well-reasoned negative recommendation of victim/judge/other person or group [*Rhine, Smith and Jackson, 1991 : 73*] and [*Pursley, 1987 : 600 - 2*], [*Neser, 1993 : 447*].

#### 3.4.6.5.2 Mitigating Factors

- ▶ Verified pretrial diversion compliance over substantial period of time under strict reporting/supervision conditions
- ▶ Incident-free recent probation/parole history

- ▶ No prior criminal behaviour
- ▶ Exceptional institutional program achievement
- ▶ Strong community support/resources available
- ▶ Substantial cooperation with the government resulting in the conviction or equal or more serious criminals
- ▶ Payment of substantial amount of restitution to the victim
- ▶ Life-threatening medical problem
- ▶ Substantial continuous period in jail on other charges.

[*Rhine, Smith and Jackson, 1991 : 73 - 4*] and [*Pursley, 1987 : 600 - 2*].

#### 3.4.6.6 Remorse

The sign of healthy remorse is one that enables the family members to take inventory of their value structures and especially their method of coping with reality. This, to be positive in content, is done not in mourning, but in the act of learning to deal with areas of disfunctioning whether they be familiar or individual in nature [*Trester, 1981 : 119*]. One of the most common problems that parole officers must deal with, is the family who rejects the offender to ulterior motives. Families may harbour some very negative feelings about the return of the offender. Unacceptance of the parolee may be based on the shame a family feels because of his conviction and subsequent incarceration. Such an attitude is characterized by the feeling that the family has lost respect in the

community and that it may never again regain its place in the social order [Trester, 1981 : 119 - 20].

#### 3.4.6.7 Parole Denial

According to the Model Penal Code, there are factors that authorities consider to be legitimate reasons for denying parole and are also listed above as aggravating factors.

The following is an example of a notice from the Parole Panel giving reasons for parole denial.

In most States, inmates must receive written notification of the reasons they have been denied parole. About half of the States allow inmates to appeal a parole denial [McShane and Krause, 1993 : 225 - 6]. [Example of a Parole Denial Notice, appears as Annexure "H" below].

#### 3.4.6.8 Discretion

A source of perpetual trouble for Parole Boards is their discretionary role. Legislatures establish Parole Boards and invest them with the right and responsibility to exercise discretion in the release of prisoners or the return of parole violators. But it often becomes a trap. As soon as the Parole Board uses its discretion in a way that angers the public or certain legislators, then the Parole Board members are under attack. No group

of men or women can be correct every time in predicting human behaviour, and sooner or later every Parole Board will be embarrassed by some, especially fragrant and perhaps tragic case of parole failure [Keeve, 1981 : 304]. Therefore, information related to the outcome of a candidate's prior community supervision experiences may provide some important insight into how the candidate may adjust to be being released into the community on parole. If the candidate had a prior successful parole or probation, the Parole Board may be favourably impressed, whereas a prior revocation of parole may create considerable doubt among board members as to the desirability of placing a former "failure" in a similar program again [Doeren and Hageman, 1982 : 106]. Therefore, parole should be linked with particular types of sentencing structures so that sentencing laws can determine the extent of various actor's involvement in releasing inmates prior to the expiration of their sentences. Each sentencing structure has different elements, that role of the Parole Board is in determining the length of prison stay, whereas the role of the Legislature is in establishing these time frames [Lauen, 1988 : 79].

### 3.4.7 LEGAL REQUIREMENTS FOR PAROLE CONDITIONS

#### 3.4.7.1 Introduction

In granting parole, the Board is expressing its judgement that it is appropriate to continue an inmate's sentence outside prison walls.

Moreover, by setting the conditions of release - some tailored to meet the needs of individual cases - the Parole Board is prescribing the goals it expects to be met during supervision [i.e. Risk Management]. The responsibility for achieving these goals, however, resides with the parole field service agency. Thus, in carrying out the supervision function, the field service agency is, in effect, implementing the release decision-making goals established by the Parole Board [*Rhine, Smith and Jackson, 1991 : 102*].

A review of Parole Conditions by Joseph Fishman and Vee Perlman in 1939, revealed some problems that prevented many parolees from successfully adjusting in the community:

- ▶ There were an excessive number of conditions in most States, actually weakening Parole Board Policy
- ▶ Many parole conditions were not realistic and did not lend themselves to practical enforcement. For example: the complete prohibition of the use of liquor in some States forced the parolee into a position which bred rule violations and contempt for the value of parole supervision
- ▶ Parole conditions lacked uniformity. [*Callison, 1983 : 249 - 50*].

#### 3.4.7.2 Basic Requirements of a Probation/Parole Condition

It must serve the purpose of either:

- Protecting society

- Promoting rehabilitation
- ▶ It must be clear
- ▶ It must be reasonable
- ▶ It must be constitutional. [*McShane and Krause, 1993 : 345*].

### 3.4.7.3 Classification of Parolees and Standards of Supervision

Although parole supervision is dealt with in depth in Chapter Six, it is essential to mention at this stage, that a number of risk instruments have been developed recently to identify those parolees who represent the greatest threat to the public safety. These assessments place such offenders in a group according to intensity of supervision and the frequency of contact between the supervising officer and offender. These vary according to the actual classification of the case as:

#### 3.4.7.3.1 Maximum/Intensive Supervision

- ▶ One face-to-face contact and one collateral contact monthly
- ▶ Monthly report; one home visit; one face-to-face [in addition to home visit]; one employment verification; one special condition
- ▶ Two face-to-face contacts monthly; one collateral contact monthly; one home visit every forty-five days
- ▶ Four face-to-face contacts monthly; one collateral contact monthly; one home call within thirty days of placement on caseload, and within two weeks after each reported move; verification of residence every three

months; criminal history check after first year of supervision

- ▶ Two face-to-face contact monthly, one of which must be in the field, two collateral contacts per month.

[*Rhine, Smith and Jackson, 1991 : 110*].

#### 3.4.7.3.2 Medium/Moderate Supervision

- ▶ One face-to-face contact monthly and one collateral contact per quarter
- ▶ One home visit [per quarter]; one monthly report; one residence verification; one special condition, if applicable
- ▶ One face-to-face contact and one collateral contact monthly; one home visit every ninety days
- ▶ Two face-to-face contacts monthly with unemployed offenders; one contact, if verified full time employment/training; one collateral contact per month; home call within thirty days of placement on caseload and within two weeks after each reported move; verification of residence every three months and employment/training monthly; criminal history check after first year of supervision. [*Rhine, Smith and Jackson, 1991 : 100*].

#### 3.4.7.3.3 Minimum Supervision

- ▶ One face-to-face semi-annual contact and collateral contact quarterly
- ▶ One home visit, as needed; one monthly report; one face-to-face [per quarter]; one employment verification [per quarter]
- ▶ One face-to-face contact monthly, unless quarterly reporting

- ▶ One face-to-face contact monthly; verification of residence once every three months
- ▶ Mail-in report monthly; one face-to-face contact every three months; one collateral contact every three months.

[*Rhine, Smith and Jackson, 1991 : 111*]

Parole Supervision is discussed in depth in Chapter Six.

### 3.5 THE REVOCATION PROCESS

The National Advisory Commission on Criminal Justice Standards and Goals recommended that each Parole Jurisdiction should implement a system of Revocation Procedures that will permit prompt confinement of parolees exhibiting behaviour that poses a threat to other. It further recommended that, at the same time, each jurisdiction should provide careful controls, methods of fact finding, and alternatives to re-incarceration, in order to keep as many offenders as possible in the community [*Callison, 1983 : 252 - 3*].

#### 3.5.1 FACTORS INFLUENCING THE DECISION TO REVOKE

- ▶ Could supervision conditions be modified to prevent further violations instead
- ▶ Does agency policy require revocation for this violation
- ▶ How busy is the officer? Does this violation warrant the time and energy necessary for processing a revocation

- ▶ What are the officer's personal attitudes about the benefits or revocation
- ▶ What are the characteristics of the offender? Is he or she a high risk
- ▶ What are the characteristics of the violation itself? How serious is it
- ▶ What type of relationship exists between the officer and client? How tolerant is the officer? How remorseful is the offender? [*McShane and Krause, 1993 : 343*].

The decision to recommend revocation of parole can be a complicated one, although some situations dictate a recommendation for revocation, such as the parolee being convicted of a new crime or the possession of evidence by the parole agent that the parolee has engaged in serious criminal conduct, not all cases are clear-cut. In these later instances the parole officer must exercise discretion in making a decision to initiate the revocation process. Together with the marital nature of the case, the parole agent must often balance his potentially conflicting roles of "policeman" and "social worker". Even though a parolee may have committed one or more technical violations, a parole agent may decide not to recommend revocation of parole, due to various mitigating factors. The parole agent's belief that further imprisonment will not be of any value to the parolee or the parole agent's knowledge that the time remaining on parole is of short duration [*Doeren and Hageman, 1982 : 111 - 2*].

In making these difficult decisions, the parole agent must resolve, on the

basis of personal beliefs, values, personality, experience, agency policy or circumstances of the case, the conflicting objectives of community supervision, namely:

- ▶ Protection of the Public
- ▶ Rehabilitation of the offender [*Doeren and Hageman, 1982 : 112*].

### 3.5.2 REVOCAION REQUIREMENTS

The first requirement is a hearing before an “uninvolved” hearing officer, who might be another parole officer or perhaps an “independent decision maker” who would determine whether there was reasonable cause to believe that a parole violation had taken place. If so, the parolee might be returned to prison, subject to a full revocation hearing before the Parole Board. Due process in such proceedings, is outlined as follows:

- ▶ Written notice of the claimed violation of parole
- ▶ Disclosure to the parolee of evidence against him
- ▶ Opportunity to be heard in person and to present witnesses and documentary evidence
- ▶ The right to confront and cross-examine adverse witnesses [unless the hearing officer specially finds good cause for not allowing confrontation]
- ▶ A “neutral and detached” hearing body such as a traditional Parole Board, members of which need not be judicial officers or lawyers
- ▶ A written statement by the fact finders as to the evidence relied on and reasons for revoking parole [*Bartollas and Conrad, 1992 : 264 - 6* and

[*Rhine, Smith and Jackson, 1991 : 125 - 6*].

Warrants for arrest and detention of alleged parole violators should be issued and signed by Parole Board members. A parolee alleged to have committed a new crime, should be eligible for bail or another form of release, pending the court's determination of the outcome of new charges [*Callison, 1983 : 253*].

The central constitutional concern with respect to revocation proceedings involves the provision of due process to parolees to ensure a fair and impartial hearing [*Rhine, Smith and Jackson, 1991 : 127*].

### 3.6 **ATTITUDES AND EXPECTATIONS**

#### 3.6.1 **PUBLIC ATTITUDES**

If parole is to be an effective means of reintegrating offenders into the community, then the community must be receptive to the parolee's efforts to establish essential community ties. The general public must be willing and able to view the parolee with fairness and to offer assistance as needed. To accomplish this objective, parole agencies need to evaluate, release, and supervise offenders in a manner that merits the pride and respect of the community. The community in turn must understand the parole process and its function in the correctional system.

media draw attention to failed parolees who commit new crimes, while ignoring the majority who successfully complete parole. In States where early parole has been granted to large numbers of inmates to relieve overcrowding, the press has sometimes appeared to fan the flames of community outrage rather than to assess the alternatives and examine the actual impact of such releases on crime rates. Parole too often is portrayed as a giveaway, as freedom granted to the undeserving solely because correction's officials lack the will to do otherwise [*Bernard and McCarthy, 1991 : 276*].

Although current public attitudes towards parole have been influenced by newspaper, television, and radio accounts, the media cannot be singled out as the only guilty party in the misrepresentation of parole. State legislators establish parole criteria and standards, determine Parole Board member eligibility requirements, and most important, fund all correctional agencies; but they are rarely heard from when parole is attacked. In most States, Parole Board members have adopted a low profile, perhaps in an attempt to avoid scrutiny of a decision-making process that all too often falls short of the goals of fairness and impartiality.

Parole agency administrators and parole officers have generally chosen not to bring the parole process to public attention, perhaps in the belief that any attention could only yield negative results. In many ways the

media have simply stepped in to fill an information gap, a gap that could be better filled by those who legislate, administer and deliver parole services [*Bernard and McCarthy, 1991 : 276*].

The American Correctional Association suggests several strategies for the fostering of better public attitudes:

- ▶ Parole personnel should work with community organizations, such as the Salvation Army, and other organizations that have an interest in parolees' adjustment problems
- ▶ An organized public information program is a necessity. Parole personnel should seize every opportunity to address civic organizations, church groups, and other interested bodies
- ▶ Potential employees, civic leaders, and other responsible citizens should be invited to the Prisons to observe the correctional process at work
- ▶ Law enforcement and business executives should be invited to participate in institutional pre-release programmes
- ▶ The Parole Board should invite representative law enforcement officials, judges, adult students, interested citizens, and responsible members of the press to attend parole hearings.

[*Bernard and McCarthy, 1991 : 277*].

Rehabilitation is the major purpose of conditional release. Equally important is the fact that parole is in its efficacy in assisting the successful

reintegration of the offender into society [Rhine, Smith and Jackson, 1991 : 142].

### 3.6.2 PAROLEES EXPECTATIONS

Studies of offenders released from prison, reveal that criminals have high aspirations, but little means of achieving them. Most criminals grew up in areas where crime and delinquency were prevalent, and have known other criminals most of their lives. They have few ties with the "straight" social world. Their choice of criminal behaviour as a means of fulfilling middle class aspirations seems reasonable. Few criminals have known lives from want of basic needs:

- ▶ job
- ▶ money
- ▶ car
- ▶ place to stay.

Criminals must be integrated into the straight social world with the opportunities to be legitimately self-sufficient. To respond to these apparent discrepancies between aspirations and ability to achieve them, opportunities should be developed to maintain marital and other family relationships while creating ties with the larger social structure [Callison, 1983 : 237].

### 3.6.3 ATTITUDES OF PAROLE OFFICERS

Parole officers are those who supervise parolees [Reid, 1994 : 668]. The characteristics of parole officers, or “agents” as they are referred to in some jurisdictions, vary as widely as those of board members. Some States require a graduate degree in an appropriate field. Others expect only a high school diploma [Inciardi, 1993 : 653].

According to *Ohlin, Piven and Pappenfort*, there are three styles of parole officers, each with a different attitude towards their clients, namely:

- ▶ The Punitive Officer
- ▶ The Welfare Worker
- ▶ The Paternal Officer; [Hussey and Duffee, 1980 : 140]
- ▶ The Passive Officer, which was added by Glaser, later on [Hussey and Duffee, 1980 : 140].

#### 3.6.3.1 The Punitive

The Punitive Officer, may be an ex-military person or an ex-policeman, who has an unambivalently commitment to community protection. His approach to clients involves threats and coercion, offered from a general stance of suspicion. Whether to carry a gun or not, is frequently debated in probation and parole circles; one might expect a Punitive Officer to be in favour of doing so [Hussey and Duffee, 1980 : 140].

### 3.6.3.2 Welfare Worker

The Welfare Worker feels that the only hope for community protection is through offender rehabilitation. Therefore, he is unambivalently committed to the client [*Hussey and Duffee, 1980 : 140*].

### 3.6.3.3 The Paternal

The Paternal Officer vacillates between protecting the offender and protecting society. His approach to clients is to use direct assistance, lecturing, praise and blame. One of the defining characteristics is that this type of officer slides back and forth between concern with the community and interest in the client, with an unambivalent commitment to neither [*Hussey and Duffee, 1980 : 140*].

### 3.6.3.4 The Passive

The Passive Officer, according to Glaser, sees the job as a political plum requiring little or no effort. The Parole Officer's job has been acquired as a reward for efforts given to a political organization. Thus with these agents feeling they need to be true only to themselves and the political organization, it is natural that they would not score high on either the control or assistance dimensions [*Hussey and Duffee, 1980 : 141*].

## 3.7 SUMMARY

This chapter has considered the recent legal developments of parole.

Parole Boards have new friends: guidelines for Parole Boards have many

spoorers. Some jurisdictions do not provide community resources for parolees, leaving them to sink or swim on their own.

Recently programs, consisting of pre-release work-release, educational release, home furloughs, halfway-houses and community-based assistance for ex-offenders, have been established recently in some countries of the world like United States.

The families of inmates also look forward to these programs. They are able to occasionally spend time with a son or a daughter, a husband or a wife, a mother or a father. If the inmate is on work-release, the family may also receive some financial assistance.

CHAPTER 4PREPARING THE OFFENDER FOR THE  
COMMUNITY4 INTRODUCTION

Modern correctional systems around the world, have adopted the principle that the entire penitentiary treatment should, from the outset, be directed towards parole, in the hope that it may be granted to every prisoner. This principle can be put into effect only if imprisonment in its entirety is viewed as preparation for release and liberty. However, the process of preparing the offender for parole or conditional release is time consuming and cannot be compressed into a brief period.

In South Africa, treatment and training programmes for inmates are of a progressive nature, throughout the period of imprisonment, subject to the proper co-operation and normal progress of the individuals. The treatment commences in a closed prison from which the offender may progress to the less strict discipline and the greater privileges and indulgences of a semi-open prison and thence to the comparative freedom and maximum privileges and indulgences of an open prison well before the time of release. The transition to the free community is, therefore, not so abrupt; the entire process could be said to be a form of pre-release preparation [*Rhoodie, 1964 : 318*].

In this chapter a critical review of the various rationales that are used to justify an offender's sentence are provided. It makes sense to ask, "Why should we punish an offender at all?" before discussing the preparatory process.

#### 4.1 **SENTENCING PURPOSES**

If an offender is sent to prison, it is for some reason; if an offender is kept in the community, there is some purpose behind that decision, however, there are four general reasons that are commonly given for a sentence, namely:

- ▶ Retribution
- ▶ Deterrence
- ▶ Incarceration
- ▶ Rehabilitation.

According to *Rhodie [1964 : 311]*, parole is nothing but an extension of an offender's original sentence. This implies that parole process should maintain the four elements at all times to be a sound and justifiable part of the Criminal Justice System.

The four elements will for that reason be discussed in short.

##### 4.1.1 **RETRIBUTION**

Every sentence is an act of punishment and is justifiable simply because

a person has offended, has broken the legal requirements of the society. Therefore, punishment under these circumstances is a means of reaffirming the social order [*Clear and Todd, 1988 : 28 - 29*].

According to *Primoratz [1989 : 69]*, retribution is by definition, the second coercion against coercion. Therefore, it is in accordance with right, just and legitimate. Therefore, retribution is an act of reciprocity, and thus something that the person on whom it is inflicted has deserved it is justified legitimate. According to *Jenkins [1984 : 144]*, the idea of retribution is also known as revenge or retaliation. By the same token, *Primoratz [1989 : 70]*, contends that retribution has two forms, revenge and punishment.

Parole, as conditional release of a convicted offender under supervision and under certain restrictions, should ensure that such legal requirements are met by the offender in order to remain within the community, or else, be returned to prison for further incarceration and treatment.

The element of retribution, is by no means absent from the modern approach. It is not wrong that the natural indignation of interested persons and of the community at large, should receive some recognition in sentences that courts impose, as well as in release policies that Correctional Services apply. It is not irrelevant to bear in mind that if sentences and release systems for serious crimes. are perceived to be

too lenient, the administration of Justice may fall into disrepute as injured persons may be inclined to take the law into their own hands [*Rabie and Strauss, 1981 : 272*].

Over the centuries, corrections and punishment have been synonymous. This attitude was well expressed by an early nineteenth-century advocate of the value of punishment, the Reverend Sydney Smith, who said that a prison should be:

“A place of punishment from which men recoil with horror - a place of real suffering painful to the memory, terrible to the imagination ..... a place of sorrow and wailing, which should be entered with horror and quitted with earnest resolution never to return to such misery ..... [*Pursley, 1991 : 423*]. Even today, this attitude is held by a sizable segment of South African public, particularly in cases that involve serious crimes. Although basic attitudes towards punishment have not changed significantly, at least the means of exacting the punishment have. Today, through more “humane” techniques, society acts as an agent of punishment on behalf of the victim, rather than permitting the private settling of feuds. In some views, punishment has been defended as permitting the offender the feeling of having atoned for his or her anti-social actions while reaffirming the appropriateness of non-criminal behaviour among the law abiding members of society [*Pursley, 1994 : 423*].

*Du Toit [1981 : 102]*, contends that “*Die vergeldingsteorie ook bekend as die absolute teorie, 'retribution', wen basies in dat straf opgelê word omdat dit verdiend is, dit wil sê omdat die oortreder 'n misdryf gepleeg het en straf daarvoor verdien*”.

By the same token *Barlow [1987 : 445]* states, even in societies with “law” the uncertainty and severity of punishment could become so negligible that the citizens would seek personal retribution. So no imagination is required to see that retribution outside the law generates crimes. Hence retribution through legal punishment may prevent further crimes.

#### 4.1.2 DETERRENCE

According to *Glaser [1984 : 85]*, punishment deters crime and it rehabilitates the criminal. Essentially, deterrence is the simple idea that the incidence of crime is required, because of people's fear or apprehension of punishment they may receive if they offend.

Therefore, the oldest utilitarian purpose of punishment is deterrence, a point of view whose genesis is generally attributed to *Jeremy Bentham*.

The thrust of this view is that punishment is a technique of social control which is justified so long as it prevents more mischief than it produces.

At the point where the damage to the criminal outweighs the expected advantage to the rest of society, it loses that justification [*Clear and*

Parole can only be justifiable as part of the criminal justice process if it prevents further mischief than it produces. In other words, the threat of arrest, conviction and imprisonment should prevent parolees from committing further crimes. The possibility of parole revocation therefore, serves both as a deterrent and as an incentive to good conduct on the side of all parolees who are under parole supervision.

This form of deterrence theoretically is designed to prevent further crimes by someone who has already experienced the sanctions imposed by the Criminal Law through the mechanisms of the courts and imprisonment. Thus, some convicted criminals and parolees, having failed to comply with the legal requirements of society, can yet be persuaded to avoid future crimes by experiencing some form of punishment [Pursley, 1994 : 424].

By the same token Siegel and Senna [1985 : 82] states, if people are made to fear the power of the law, to believe that their illegal behaviours will be met with certain and severe punishments, then they should be unwilling to risk involvement in outlawed activities.

*“Die Voorkomingsteorie ook bekend as die Relatiewe of Doelmatigheids-teorie en die oogmerk van 'deterrence' of 'prevention' hou basies in dat straf opgelê word met die oog op die toekoms, dit wil sê met die oog op die voorkoming of beperking van misdryf ter beskerming van die gemeenskap” (Du Toit, 1981 : 105)*

#### 4.1.3 INCAPACITATION

Incapacitation means simply that the offender is prevented from re-offending by the punishment imposed, either temporarily or permanently [*Cavadino and Dignan, 1992 : 37*].

The idea of incapacitation rests on the idea that convicted criminals should be rendered physically unable to continue their criminal acts - whether this is accomplished by imprisonment and thereby the removal of the individual from society, or by imposition of the death penalty in countries where capital punishment still apply [*Pursley, 1994 : 424*].

Therefore, imprisonment ensures that the offender is deprived of the opportunity to commit at least some kinds of offence for the duration [*Cavadino and Dignan, 1992 : 37*].

The philosophy argues that the punishment should be designed to eliminate the convicted offender's capacity to commit another offence.

A basic component of an incapacitation system, is the use of risk assessment methods which identify those who must be incapacitated and determine when the risk is abated sufficiently to end the control measures [*Clear and Burrell, 1989 : 31*].

The granting process of parole has an assessment system during which the Parole Board tries to predict the risk involves in placing the individual on parole and then determine the conditions and restrictions, such as house confinement on deserving cases. And determine the intensity of parole supervision in each deserving case. The purpose of more accurate assessment and close supervision of offenders is to ensure that conditionally released offenders do not harm society again by committing further crimes during and beyond their parole periods.

In previous times [and in some countries today], deterring an offender from committing additional crimes took the form of physical incapacitation. For example: a thief's hands were amputated and rapists were castrated [*Reid, 1994 : 99*].

#### 4.1.4 REHABILITATION

It is assumed that human behaviour is the product of antecedent causes and that to deal effectively with any deviant behaviour, these various causes must be identified - be they physical, moral, mental, social, vocational or academic. Once the offender's problems are diagnosed and classified for treatment, the offender can be corrected by the right psychological therapy, counselling, education or vocational training [*Pursley, 1994 : 425*].

However, rehabilitation is based on the belief that offences are the result

reform offenders, society must assist them to overcome a lack of education or job skills, or ineffective methods of solving problems [Callison, 1983 : 5].

*"Die Hervormingsteorie, ook bekend as die oogmerk van 'rehabilitation' of 'reformation', en 'n spesie van die doelmatigheidsoogmerk, hou basies in dat straf opgelê word met die oog op die hervorming of verbetering van die oortreder, dit wil sê met die oog op sy suksesvolle behandeling" [Du Toit, 1981 : 109].*

Rehabilitation is therefore, a general term which refers to a change in the offender, produced by the nature of the punishment, which results in a commitment by the offender to refrain from criminal acts. The decision to refrain could be motivated by various characteristics of the punishment, namely:

- ▶ Fear of being caught and punished again
- ▶ Insight into emotional causes for criminal behaviour
- ▶ The creation of legitimate opportunities for social living which result from skills learned while being punished.

The key requirement is that the offender chooses to refrain from committing new crimes, rather than being prevented [which is an incapacitative concept], and the nature and extent of punishment was selected precisely to influence the offender in making that choice

Corrections as a component of the Criminal Justice System, has two major functions to fulfill, namely:

- ▶ Confinement
- ▶ Parole.

During confinement stage, opportunities created for a willing offender, should be made available to a willing offender to develop skills which might influence his decision to refrain from crime. Since it is an internationally adopted principle that the entire penitentiary treatment should, from the outset, be directed towards parole, the latter should be viewed as a stage which offers assistance to a parolee upon release to build the capacity to stand on his own feet.

## 4.2 CLASSIFICATION AND RECEPTION OF INMATES

### 4.2.1 INTRODUCTION

Classification as used in correctional work, is a frequently misunderstood concept. The word itself leads to the confusion, implying that the sole function of classification is to place inmates into types or categories. Some have described the role of classification as the separation of inmates into types and the segregation of similar types into separate institutions. This is far removed from the current concept of classification held in modern correctional institutions [*American Correctional Association, 1983 : 102*]. Instead, the classification should directly, or indirectly help ensure successful reintegration of the offender into the

normal community life [*Erasmus, 1985 : 172*].

According to *Frank Loveland*, classification is a method by which diagnosis, treatment planning and the execution of the treatment programme, are coordinated in the individual's case [*Rhodie, 1964 : 187*].

However, there are four major purposes of classification systems, namely:

- ▶ Management
- ▶ Treatment
- ▶ Understanding
- ▶ Prediction [*Peak, 1995 : 330; and Johnson, 1996 : 259 - 60*].

These four primary functions of classification are to assign inmates to appropriate security levels, to place prisoners in different living quarters, to designate inmates to particular custody levels and to select program activities for prisoners [*Peak, 1995 : 330*].

#### 4.2.2 CLASSIFICATION PURPOSES

Classification is a comprehensive, continuing process that strives to identify the correctional needs of offenders [both adult and juvenile, accused and adjudicated], and match those needs with available

resources. It is a process of sorting people into different groups for different correctional programs, services, level of security, and degrees of supervision [Sullivan, 1990 : 62].

The classification process begins when a person is arrested and charged with a crime, and it continues throughout the sentence until the individual is released from parole or correctional supervision [Morton, 1991 : 11; and Johnson, 1978 : 443].

Depending on the nature of the charge and the individual's personal history, a decision must be made whether to release the accused into the community, or whether it is in the public's and the accused's best interest to detain the accused until he or she is tried. This first decision leads to, and may be contingent upon, other decisions; for example:

- ▶ If the person is released into the community, what sort of supervision is needed
- ▶ If the person is to be held pending trial, where should he or she be detained [in what facility]
- ▶ Where should he or she be housed within the facility [single room, double room or dormitory]
- ▶ What special precautions are necessary:
  - Is the person a potential victim
  - Potential victimizer
  - At risk for suicide

- ▶ What level of supervision is needed
  - ▶ What privileges can be retained [how often and when can the individual see visitors]
  - ▶ What services are needed [medical, mental health, etc.]?
- [*Morton, 1991 : 11; and Sullivan, 1990 : 62*].

At sentencing, similar decisions must be made:

- ▶ Should the individual be released on probation, and if so, under what conditions
- ▶ Should the individual be placed in a community-based facility, and if so, what kind and under what conditions
- ▶ Should the individual be placed in a secure institution, and if so, at what level of security [minimum, medium or maximum] at what level of supervision and in what programs? [*Morton, 1991 : 11*].

According to *Morton [1991 : 10]*, classification should balance the public's need for protection, the needs of the offenders, and the efficient and effective operation of the Correctional System.

#### 4.2.2.1 Rehabilitation and Classification

The most important purpose of inmate classification is to give each one equal chances and opportunities to reform. The distinction can be made between inmates with the potential to reform and hardened criminals. All new inmates are therefore screened carefully and evaluated for

placement in treatment programmes and training best suited to their needs [*Erasmus, 1985 : 174*].

#### 4.2.2.2 Training and Classification

Classification begins by analysing the problems presented by the individual through the use of every available technique - through social investigations, medical, psychiatric, psychological examinations, vocational, religious, and recreational studies. When the studies are completed, a staff conference is held to plan and outline a sound and realistic programme, best suited to the inmate's needs using whatever resources are available within the institution. The classification system should therefore help ensure that inmates participate in appropriate, integrated programmes that assist them during their incarceration and subsequent release to the community [*Erasmus, 1985 : 174; and American Correctional Association, 1983 : 102*].

#### 4.2.2.3 Safe-custody and Classification

At the reception centre, the newly sentenced inmates are intensively studied for a period of twenty to perhaps ninety days. The ensuing recommendations include not only custodial and treatment plans, but a statement as to which correctional facility the inmates should be sent [*Inciardi, 1993 : 546*]. By the same token *Erasmus [1985 : 176]* states, "*Deur middel van klassifikasie van gevangenes en hulle toewysing aan ooreenkomende een, medium, of maksimum veiligheidsinrigtinge kan*

*bogenoemde doelstellingen bereik word".*

For allocation purposes inmates are also classified into four categories A, B, C and D, according to the type of institution to which they will be sent. Each step carries with it progressively increased privileges and indulgences. It may be pointed out that from a reformatory point of view, the controlling agency in South Africa does not consider this progressive stage system to serve a direct correctional purpose, but it is a useful guide to general behaviour, adaptability, amenability to discipline, etc., and therefore, particularly helpful in re-classification for transfer to semi-open and open institutions [*Rhodie, 1964 : 200*].

The four groupings of prisons and inmates are as follows:

▶ **Ultra-Maximum Prison : D-Group**

This group consists of aggressive criminals with very poor prognosis for reformation and rehabilitation.

This group forms part of high-risk security and are potential escapees and they are therefore under extremely strict supervision and their privileges are limited [*Erasmus, 1985 : 184*].

▶ **Maximum Prison : C-Group**

This group is promoted from D-Group category of inmates. They are better than the worse. They are usually kept busy with productive labour

in workshops within the prison premises. They enjoy relatively more privileges than D-Group and can be promoted to B-Group for good conduct and co-operation [*Erasmus, 1985 : 184*].

▶ **Medium Prison : B-Group**

This group consists of inmates who are promoted from C-Group. This group is usually open for rehabilitation. The types of offences are not serious or aggressive in nature. They represent the majority of inmates who are kept in medium security prisons. Under these conditions inmates gain their self-respect and respect for other inmates and personnel. They enjoy more privileges than the first two groups [*Erasmus, 1985 : 184 - 5*].

▶ **Open Prison : A-Group**

The A-Group consists of inmates promoted from B-Group and offenders who are sentenced for petty offences that pose no threat to the community. They require minimum security measure and their privileges are maximal. Monitors are appointed into responsible and trustworthy positions, from this category of inmates. They can, for example, be appointed as waiters, and chefs, etc. [*Erasmus, 1985 : 185*].

#### 4.2.2.4 Parole and Classification

As already indicated above, the observation centre makes recommendations for the admission, placing, training and development of inmates with the view towards their rehabilitation. The inmate who

reveals progress and good behaviour gets the advantage of being consider for conditional release or parole. In this case, classification forms part of the selection process for parole [*Erasmus, 1985 : 175 - 6*].

#### 4.3 **PRISON PROGRAMMES**

##### 4.3.1 **INTRODUCTION**

For centuries institutional programmes implied custody of and some simple work for inmates. As the philosophy of crime and its causes gradually changed, concepts of institutional programmes also changed. The correctional institution today, is geared to protect society and treat offenders. Long-range treatment may send offenders back to the community as useful, law-abiding citizens for the rest of their lives. It is the responsibility of the institution in treating inmates to strive constantly to change and improve inmate's attitudes learned through crime [*American Correctional Association, 1983 : 108*].

Penal institutions have varied programs, depending on the security needs, age, sex, prior criminal record, education and medical and psychiatric needs of inmates. Because it is not possible to review all the specialized programs that exist, emphasis is placed on those programs that typically are found in most adult prisons today [*Pursley, 1987 : 560*].

By the same token, *Coetzee, Krüger and Loubser [1995 : 119 - 120]*, state that the programmes are subdivided into the following categories namely:

- ▶ Universal programmes: these are activities which are applicable to all prisoners. They aim mainly at effective control, but still focus on the modification of the behaviour of the prisoner. Privileges, gratuity, discipline and security classification are examples of universal programmes
- ▶ Subgroup treatment programmes: these make provision for differentiated treatment strategies to accommodate prisoners who have common characteristics for structure, control, support, or confrontation
- ▶ Problem-orientated programmes: these are aimed at eliminating a specific adoption, criminal or community integration problem. Job skills alcohol and drug abuse, basic education and sexual adaptations are examples
- ▶ These programmes comprise single or multiple actions which focus on the particular problem, but for which a permanent common structure and control is not essential
- ▶ Individual programmes: these make provision for those individual needs of prisoners who cannot be accommodated in the subgroup treatment programmes or problem oriented programmes.

#### 4.3.2 EDUCATION PROGRAMMES

Education within the correctional setting should be an integral part of a total program of treatment. A proper balance should be maintained in academic, vocational and physical education and recreation. Emphasis should be based upon the principle of individualization of programmes

focussed on individual educational needs. Special note should be made of the remedial needs of inmates [*American Correctional Association, 1983 : 108*].

Education programmes in prisons, range from courses for illiterates to college extent courses. Most prisons have some sort of prison school administered by a Director of Education.

The quantity of academic programmes runs from very good to very bad. In the past, some adult institutions used inmate teachers - almost all of whom lacked the basic professional credentials required to be a teacher. Today, correctional institutions routinely require that members of their teaching staff be certified teachers. Because of poor educational backgrounds of many of the inmates, special emphasis is placed on teaching basic remedial subjects. It is not unusual, for example, to see class work in a correctional institution being conducted at a six-grade level and below [*Pursley, 1987 : 562*].

The teachers who make up the academic staff also range from very good to very bad. Some are rejects from the public school system who take jobs as teachers in prisons because the requirements are less demanding. Others enjoy the challenge of teaching adult inmates, some of whom with a little encouragement become excellent students who do quite well in their academic work [*Pursley, 1987 : 567*].

Meeting the "educational" needs of inmates requires a thorough knowledge of those to be served. Close working relationships between educational and classification personnel are essential. The process of developing a curricula should include input from the inmates, and a system should be developed to review the education programme regularly [*American Correctional Association, 1983*].

The staff/inmate ratio is a significant factor influencing effectiveness in any teaching environment. Inmates require at least the same interaction, feedback and personal attention as students in educational and vocational programmes outside the institution.

Offenders vary greatly in learning ability, interest level and motivation. The educational programme should be structured so that an inmate can enter at any time and proceed through the various grades at their own pace. Progress through the programme should not be defined by grade level attainment, academic marks or scores. Individualized instruction is essential.

The institution also should provide courses in consumer activities, life skills and family life, and where possible, should incorporate instruction of social skills in regular course content. Such courses should be coordinated with social services, leisure time activities and religious programmes and in a comprehensive social skills development

programme [*American Correctional Association, 1983 : 108 - 9*].

Education programmes should not have to compete with work assignments, visitation, counselling, etc., but should be offered at non-peak programme hours and should be available in the evenings and on weekends. Encouragement to participate should be provided by limiting the barriers to attendance, and use of a reward system. Volunteers are an excellent resource which can be used effectively in this area [*American Correctional Association, 1983 : 109*].

#### 4.3.3 LIBRARIES

Most prisons have some kind of library, but these usually range from very bad to mediocre in terms of available reading materials. Cost is the major problem in trying to develop adequate libraries. Because very few institutions set money aside in their operating budget to purchase up-to-date library materials, they must often rely on books donated from outside sources, which are usually outdated and may not be of general interest to the inmates [*Pursley, 1987 : 563*].

According to *Coetzee, Loubser and Krüger [1995 : 130]* the prison library support the educational programme and also offers an opportunity for leisure time.

It also serves to inform prisoners of events in society outside the prison. Therefore, libraries are accepted as a valuable means of promoting many practical and cultural aspects of social life for prisoners. In addition to the vision of books of general interest, the library assists prisoners who are studying to obtain study material [Coetzee, Loubser and Krüger, 1990 : 130].

#### 4.3.4 VOCATIONAL PROGRAMMES

Vocational training programmes should be related to the job market. A variety of areas should be available, including cooperation with correctional industries, work assignments, apprenticeships, on-the-job training and other vocationally related programmes.

Modern prisons have developed a variety of Vocational Training Programmes, as a result vocational training opportunities became available to inmates since correction institutions are now able to acquire the necessary equipment and trained instructors.

Such shops as automobile repairs and television repair, welding, sheet metal work, and wood working, are now rather common. The well-organized shops have civilian vocational instructors, a place to work shop, and space in which to conduct the necessary instruction. Some vocational activities consist of making licence plates, doing laundry or producing brooms and twine [Pursley, 1987 : 563].

One of the recurring problems that prisons face in developing mechanical vocational training programmes is finding appropriate jobs for former offenders who have acquired a skill while in prison. In recent years such problems have become even more serious because of high unemployment in many sectors of the economy [*Pursley, 1987 : 563*]. The subject of prison industries has an interesting history. Prison industries have been based on the so-called sheltered and open market systems. Today prison industries are based on the state-use system and public works-and-ways system, both considered sheltered-market systems. The state-use system produces goods and render services for agencies of the State or its political sub-divisions. Thus prison industries manufacture goods that are not sold on the open market, but only to other State or Local Governmental jurisdictions. Public work-and-ways system involve road construction and repair, reforestation, soil erosion control activities, and the like on public property [*Pursley, 1987 : 564*].

In any institution there is usually only a small percentage of the prison's total inmate population engaged in prison industries. Many inmates are assigned to kitchen or mess duties, the laundry, maintenance work, and unskilled tasks such as pushing a broom or cleaning windows [*Pursley, 1987 : 564*].

By the same token, *Neser [1993 : 334]*, states that the majority of prisoners in South Africa can be classified as unskilled workers. In

general, they have low qualifications and many are illiterate. This is an indication of an absence of vocational skills. One of the primary tasks of the South African Correctional Services Authorities is to assist prisoners to become schooled in order to perform tasks. The development of the potential of every individual prisoner receives constant attention.

Work and training within prisons are therefore complementary to each other and in-service training is seen as a priority.

Sentenced prisoners are classified into three categories for the purposes of labour provision, named artisans, specialised workers and constructive unskilled labours [Neser, 1993 : 334].

Several renowned penologists have suggested that prisons pay their inmates labour the prevailing wage for the particular work they perform and then charge them for their maintenance and care after taking out an appropriate share of the individual's earning for the family's support. In this way prison inmates could be taught and be involved in productive enterprise. However, such ideas have little chance of becoming a reality today, when high level of unemployment exists and our productive capacity is already underutilised. Such ideas also run counter to the widely held attitude that demands that is part of the inmate's punishment, the prisoner be legally, socially and economically disabled [Pursley, 1987

#### 4.3.5 WORK PROGRAMMES

##### 4.3.5.1 Introduction

Inmates who work are contributing to their own support and thereby, reducing the tax burden on free citizens who bear the expense of maintaining places of confinement. Without programming, correctional facilities would only detain people and protect society for a short term. Instead, with the proper engagement of inmates to correctional programmes, attitudes are being changed daily and inmates are restored to society.

Many authorities in the correctional field believe the principal value of employment is the opportunity for development and/or reviving of skills and work habits instrumental to the treatment of inmates. This has resulted in a greater emphasis on diversified types of work activity, particularly vocational and on-the-job training as an integral part of the institution's total treatment programme [*American Correctional Association, 1983 : 109*].

##### 4.3.5.2 Day-to-Day Services

Day-to-Day services to maintain an institution such as feeding of inmates, various routine cleaning and other housekeeping chores and provision of power, heat and additional auxiliary services. These routine tasks are relatively simple and can provide employment opportunities for a segment

of the inmate population. Frequently, inmates are assigned to maintenance work outside the institution as members of construction or ground details [*American Correctional Association, 1983 : 109*].

#### 4.3.5.3 Vocational Training

Vocational training in cooking and baking, meat-cutting, the operation of power and filtration plants and refrigeration equipment, automotive maintenance and repair, carpentry, plumbing, painting, bricklaying, sheet metal work, installation of electrical equipment and internal operations assignments in the hospital, laundry, and dry-cleaning and clothing repair plants [*American Correctional Association, 1983 : 109*].

#### 4.3.5.4 Agricultural Activities

Agricultural work and other activities related to farming, such as dairying, poultry raising and canning. These assignments also serve to reduce institutional food costs contributing to the supply of meats and vegetables consumed in the institution. Surplus agricultural and dairy products yield a financial profit when sold to other public institutions and eligible agencies.

Agricultural activities also present work opportunities for inmates who would otherwise be unassigned or unnecessary additions to maintenance crews. Almost any institution can use inmates effectively in a farm

▶ Private donations.

However, when the private donations dry up, so does the project, unless the project administrators can obtain new financial support on the part of the Government and the private donators [*Carter, Glaser and Wilkins, 1984 : 237*].

Therefore, fund-raising must promote a public benefit, both in the sense that the purpose itself benefits the public and also in the sense that it must be capable of benefiting a sufficient section of the public [*Luxton, 1990 : 116*].

The volunteers seek scholarship, provide transportation to work, and make referrals to other sources of assistance.

The volunteers also assist in the operation of craft or leisure-time programs.

Some volunteers improve an agency's physical appearance by brightening the decor or otherwise, providing a homelike touch. The volunteers are therefore, valuable source of community education, informing other citizens about corrections.

They also operate as mediators, mingling together correctional personnel

The volunteers also serve as sources of information for correctional officials, regarding community opinion [*Callison, 1983 : 169*].

#### 5.4.5 ORGANISATIONS THAT USE VOLUNTEERS

There are many organisations that use volunteers.

The Salvation Army has a division of corrections which provides housing, food, clothing, helps offenders to find jobs, counselling, and legal assistance.

Therefore, some organisations that use volunteers have been established to assist a specific correctional institution [*Callison, 1983 : 166*]. However, the two national recognised organisations were founded by ex-prisoners. The Seven Steps Program, started by ex-offender Bill Sands, has branches throughout the United States and several foreign countries.

The second volunteer program established by ex-convicts, is the Fortune Society, organised in 1967.

This organisation sends out teams of former offenders to speak in schools, churches, civic groups, to make presentations on radio and television.

offenders who voluntarily appeared at their offices.

#### 5.4.6 VOLUNTEERS IN PAROLE

Volunteers are used less frequently with parolees than with probationers, but there has been a marked increase in this area as well. The American Bar Association, the Junior Chamber of Commerce, and other professional and civic groups, have initiated volunteer parole programs, the most significant of which may be the National Volunteer Parole Aid Program, established by the American Bar Association in 1971.

Since its commencement, the National Volunteer Parole Aid Program has enrolled numerous lawyers and parolees in more than twenty States [*Henningsen, 1981 : 121*].

#### 5.5 REASON FOR REVIVAL OF VOLUNTEER PROGRAMS

According to *Henningsen [1981 : 121]*, the reasons for the revival of volunteer programs are excessive caseloads and inadequate finances.

##### 5.5.1 EXCESSIVE CASELOADS

The most recent move towards volunteers in parole, probably began out of necessity, as a result of large caseloads and frequently unsuccessful supervisory efforts. It became apparent that volunteers could greatly increase the direct supervision of released offenders, since every hour

the clients. The variety of skills and personalities represented among volunteers, could augment the services provided by the system, while relieving professionals of certain duties and permitting them to concentrate on those clients most in need of their time and expertise [*Henningsen, 1981 : 121*].

#### 5.5.2 INADEQUATE FINANCES

Directly related to the problem of excessive caseloads as a stimulus to volunteer services, and perhaps underlying it, is the problem of inadequate financing of parole programs, many departments could not and still cannot afford to hire enough professionals for adequate service to their clientele.

With the help of volunteers, however, more attention can be provided to released offenders who would otherwise be slighted thus, there may be weekly or bi-weekly contains of an hour or more rather than the few hurried minutes that are all the professional officer alone would be able to provide [*Henningsen, 1981 : 121*].

#### 5.6 ADVANTAGES AND DISADVANTAGES OF VOLUNTEER PROGRAMS

The advantages and disadvantages of the volunteer programs will be discussed hereunder.

### 5.6.1 ADVANTAGES

Although the reserved interest in volunteers for parole programs had an underlying economic cause [excessive caseloads and inadequate resources] several other contributions have emerged with the implementation of these programs, namely:

- ▶ Facilitate community involvement in parole process, by incorporating the services of concerned citizens, volunteer programs promote increase community involvement in parole
- ▶ Enhance meaningful contact with clients released offenders often are more unfordable with volunteers than with paid staff, since they consider volunteers less threatening

In addition, the parolee may be impressed by the fair that volunteers provide their time and talents without pay. For both reasons clients may “open up” more to volunteers and make possible a more meaningful exploration of their problems [*Henningsen, 1981 : 121*].

- ▶ The volunteers usually represent a more diverse set of personalities, and backgrounds than professional staff officers, released offenders can more often be matched with supervisors who share their social interests and hobbies. Here again, a rapport between supervisor and client may be more effectively established when the two have interest and concerns in common [*Henningsen, 1981 : 122 - 3*]
- ▶ Broadened perspective for agency. The diversity of backgrounds among volunteers likewise contributes a broader viewpoint to agency policy

- ▶ Provide potential employment and labour supply. Finally, volunteers give the participants an opportunity to see if work with parolees interests them as a career at the same time, volunteers are a “known quantity” with training and knowledge of the agency, and thus constitute a potential supply of competent employees [*Henningsen, 1981 : 123*].

### 5.6.2 DISADVANTAGES

While the positive aspects of a volunteer programs are considerable, certain problems may also adjust, namely:

- ▶ Cost of program, although a volunteer program may ultimately prove economical for the agency in question [in terms of reduced caseloads for paid staff], it must be remembered that such programs still have a cost in money and staff time selection, training, and administration of volunteers takes at least some professional staff time away from the direct division of parole services [*Henningsen, 1981 : 123*]
- ▶ Inadequate service by volunteers, even with careful screening and training some volunteers simply will not have the qualification or commitment to render effective service to the agency, and the offenders.

In certain instances, the individual’s reasons for volunteering may be purely self-serving and may actually undermine the agency’s goals and policies [*Henningsen, 1981 : 123*].

- ▶ Increased communication problems: additional persons involved in the

and conflicting strategies for supervision, this can result in a more complicated and problematic experience for all concerned [*Henningsen, 1981 : 123*]

- ▶ Mediator, facilitator of social physical environment [get jobs, intercede with teacher, open up opportunities, run interference with system].
- ▶ Behaviour model, just be a good example
- ▶ Limit setting, social control, conscience
- ▶ Teacher-tutor in academic, vocational, or social skills
- ▶ Observation, information diagnosis, understanding, extra eyes and ears on the parolee and probationer, on the community or even on the agency on behalf of the community
- ▶ Trainee rather than trainer, intern preparing for a career in the Criminal Justice System
- ▶ Advisory or even decision-making participation in formulating policy.
- ▶ Administrative support, office work, and related facilitation
- ▶ Help recruit, train, advise and supervise other volunteers.

According to *McCarthy and McCarthy [1991 : 376]*, volunteers are active in recreational, entertainment, educational, religious, clerical, administrative, and support roles in various correctional programs.

## 5.7 ADVANTAGES OF VOLUNTEER SERVICES

One of the principal benefits of volunteer services is their contribution to

Most manage to make do by juggling their personnel, and a few seem to be in a perpetual state of crisis, because of a wholly unmanageable work load [*McCarthy and McCarthy, 1991 : 376*].

Therefore, the use of volunteers can permit the agency to utilize its professional resources as frugally as possible.

Volunteers can be used in counselling roles to supplement the agency's limited ability to provide one-to-one assistance to offenders.

Volunteers can provide transportation for offenders, clerical assistance to administrators, or other support services to free up professionals for tasks that require special expertise, training, or official rank [*McCarthy and McCarthy, 1991 : 376*].

Therefore, the ability to individualize services is probably one of the most frequently cited benefits of volunteer efforts, for example: probation and parole staff, in Judge Leinhouts's words, often can only "administer a telephone and a letter reporting system".

However, contacts with offenders are generally less frequent than once a month and often last for a few minutes.

At best, the contacts provide some semblance of supervision, but they no doubt do little to deter criminal activity [*McCarthy and McCarthy, 1991 : 376*]. Supervision of the parolees will be discussed in depth in Chapter Six.

Therefore, the volunteer assigned to a probationer or parolee can provide the offender with a companion, a role model, or an advisor - whatever the parolee requires to deal with his personal, social, or economic problems.

The interaction is not restricted to specific times or places and it need not be united to the length of the probation or parole period. The assistance is also free from the stigma of authoritarianism that seems virtually unavoidable in corrections. This assistance can be friendly constant, and casting [*McCarthy and McCarthy, 1991 : 376 - 377*]. Therefore, volunteers can contribute their special skills and knowledge of the community. Not all volunteers will be skilled in the same manner or degree as the original Royal Oaks citizens, but abilities as diverse as sewing and swimming, motorcycle racing, and mountain climbing, and accounting and acrobatics can find a place in correctional efforts.

As members of the community, volunteers can contribute their community contacts, facilitating offenders access to programs and services that might otherwise be unobtainable [*McCarthy and McCarthy, 1991 - 377 -*

According to *McCarthy and McCarthy* [1991 : 378], one of the problems that persistently plagues correctional programs is lack of information regarding community resources, and how to get what from whom.

Therefore, citizen participation in correctional efforts should broaden. The community resources information network agencies use and thus facilitate the resource identification and client referral process. Finally, citizen volunteers provide possibly the best means available of generating public awareness of correctional programs issues and problems.

Utilizing their own observations, and experiences, they facilitate correctional change by stimulating interest in correctional efforts and a greater sense of community responsibility for the correctional process [*McCarthy and McCarthy, 1991 : 378*].

Therefore, even volunteers can educate members of the general public regarding the problems of crime, criminals, and the Criminal Justice System.

These citizens can generate an informed understanding and interest in issues that too often receive public attention only after crisis or scandals make the problem too visible to ignore [*McCarthy and McCarthy, 1991*

## 5.8 VOLUNTEER PROGRAM OPERATION

The program planning, recruiting, screening, training, job placement, and continuing support for volunteers, will be discussed hereunder.

A considerable commitment of time and effort is needed to initiate, develop, and maintain an effective volunteer program. The key elements in this effort are recruiting, screening, training, and management weakness in any of these areas can seriously hamper, or even destroy, the program [*Henningsen, 1981 : 123*].

To an increasing extent, responsibility for managing the volunteer program in a parole agency, is given to a paid professional variously referred to as “volunteer coordinator”, “director of parole volunteer services” or “volunteer specialist” [*Henningsen, 1981 : 127*].

Therefore, the role of volunteer coordinator include the following aspects, namely:

- ▶ **Qualification:** the staff member who serves as coordinator should have a background of solid experience in correctional work. Even more important, the coordinator must have administrative skills
- ▶ **Duties:** the volunteer coordinator must perform several important roles or functions in order to manage a volunteer program successfully
- ▶ **Program coordinator:** it is the task of the professional administrator to

authority and to define clearly the respective roles of volunteers and staff professionals. The coordinator must also be a hyson in establishing and maintaining relationships between volunteers and staff professionals [*Henningsen, 1981 : 128*].

#### 5.8.1 INITIAL PLANNING

According to *McCarthy and McCarthy [1991 : 380]*, the planning of a volunteer program should involve clients, line staff, the agency's director, and the local community.

Line staff involvement is especially important because poor staff-volunteer relations are a frequent cause of program failure.

Because volunteer programs can cause additional work for staff and because the volunteer's job satisfaction is likely to be influenced by relations with professionals, as well as with offenders, positive staff-volunteer relations are essential for program success [*McCarthy and McCarthy, 1991 : 380 - 381*].

Therefore, staff involvement in planning efforts should provide them with an opportunity to ventilate their concerns about the program, such as "will it be effective?", and if it is too effective, will staff jobs be endangered?". Staff would have an opportunity to talk with employees in agencies that

Subsequent planning efforts should seek to maximize staff input and to get real, not just verbal, staff support for the program [*McCarthy and McCarthy, 1991 : 381*].

Therefore, the planning effort should clearly specify program objectives and the roles that volunteers will fulfill.

Staff must then be trained to supervise volunteers and to serve as consultants to them to facilitate their work.

Therefore, a director of volunteer service will be required to coordinate volunteer activities. A volunteer may serve in a full- or part-time capacity, depending on program size [*McCarthy and McCarthy, 1991 : 381*].

The roles of the volunteer and para-professionals are particularly important in the presentation of programs and services to the clients [*Gilbert and Specht, 1981 : 31*].

Therefore, volunteers can bring new energy, ideas, talents, and resources, such as community goodwill and influence the agency.

They can augment the jobs of agency personnel by providing support

Volunteers can be used to perform direct service tasks that do not require professional training or skills, for example: telephone contact with clients [Rapp and Poertner, 1992 : 235].

Volunteers with proper training and supervision, can become service providers in their own rights at times, volunteers can be used to make a resource available to clients who otherwise would be inaccessible. In short: Community volunteers can be an important human resource for the client-centred agency [Rapp and Poertner, 1992 : 235 - 6].

Therefore, seeking volunteers, the organisation must examine its needs and determine the types of expertise that it will require from volunteers. A plan for recruitment, should be developed, so that persons possessing the needed skills can be sought finally, the organisation should have a well planned selection process that permits carefully decisions to be made regarding volunteers who are chosen [Rapp and Poertner, 1992 : 236].

According to Slabbert [1989 : 135], "*Kan keuring op enige van vier stadium geskied, naamlik:*

- *Werwing, keuring en dan opleiding*
- *Werwing, opleiding en dan keuring*
- *Werwing en opleiding waartydens kandidate hulself sif*

*Laasgenoemde vorm van keuring word deur die skryfster aanbeveel, aangesien daar dan meer inligting oor die kandidaat beskikbaar is en keuring dan meer effektief kan wees”.*

By the same token, Swart [1992 : 141] states that: “*daar bestaan verskillende keuringsprosedures en keuringstegnieke wat aangewend kan word om vrywilligers te keur.*

*Van die mees algemeenste tegnieke en metodes wat aangewend word, is onder meer - aansoekvorms, onderhoude, sielkundige toetse, biografiese vraelyste, ensovoorts”.*

Equally important, is that what occurs during selection interviews, is of even more important than the job advertisement. Here, for the first time, the potential new volunteer makes personal contact with the potential employer, and may see the actual work place and meet his potential supervisor [Fowler, 1990 : 22].

Therefore, the supervisor should be the first to meet the new volunteer, and explain some of the initial “do’s and don’ts” [Fowler, 1990 : 33].

The purposes of the interview, is to aid in screening and selecting applicants who best meet the position requirements.

Data on the application are examined for gaps in time, missing information and apparent inconsistencies, and any irregularities should be discussed and collected. Additional information that is not contained in the application is gathered [*Edward and Yankey, 1991 : 130*].

Therefore, recruitment involves assigning new volunteers to positions and orientating them properly so that they can begin working [*Edward and Yankey, 1991 : 117*].

#### 5.8.2 RECRUITING

According to *Kouri [1990 : 66]*, when recruiting the volunteers, the following can be helpful to the recruiter, namely:

- ▶ Speaking with the human-resource staff or the person in charge of planning pre-retirement programs at local industries and business offering to present a brief explanation of volunteer opportunities at pre-retirement workshops or to provide printed information for workshop packets
- ▶ Sending speakers, preferably volunteers, to give presentations at company sponsored gatherings
- ▶ Offering to write short articles on volunteer opportunities on newsletters.

This could be another assignment for a volunteer.

According to *Kouri [1990 : 67 - 68]*, there are some additional ways to reach this pool of potential volunteers. The emphasis is both on helping

- ▶ Arranging for articles featuring the work of volunteers in the local newspaper
- ▶ Giving presentations on volunteer opportunities at residences. Often the board of resident representatives will assist by making time on a business-meeting agenda
- ▶ Posting notices at senior citizens centres
- ▶ Contacting groups at churches and synagogues
- ▶ Contacting the staff and posting notices at senior citizen health clinics
- ▶ Scheduling appearances by staff and volunteers on radio and television interview programs for potential volunteers
- ▶ Arranging car pools in which volunteers who drive, pick up those who do not
- ▶ Working with local public transportation officials to arrange charter busses for groups of volunteers
- ▶ When residents have their own vans, the recruiter may suggest that they be used to transport residents to volunteer jobs.

Therefore, the volunteer program must determine the types of persons needed and seek them out [McCarthy and McCarthy, 1991 : 381]. By the same token, Swart [1992 : 133] states that "*Werwing impliseer dat geskikte wyses of metodes gevind sal word waarvolgens die gemeenskap in kennis gestel sal word dat hulle dienste benodig word.*"

*maak, moet hulle hul vergewis van die bydraes wat vrywilligers kan lewer.*

*Waar daar dan wel ruimte bestaan vir die aanwending van vrywilligers, is dit belangrik dat daar 'n persoon aangewys sal word wat as koördineerder van die vrywilligers sal optree. Dit is ook algemene gebruik dat die koördineerder 'n komitee sal saamstel om hom met die funksies en pligte by te staan, of dat gebruik gemaak sal word van ander belanghebbende persone binne die betrokke diensleweringsveld”.*

### 5.8.3 SCREENING

According to *McCarthy and McCarthy [1991 : 382]*, the rule of thumb in screening volunteers is be as selective as if one were paying for volunteer services.

Therefore, inappropriate persons and individuals likely to drop out, must be identified and weeded out, each candidate must be evaluated and selected with a particular job in mind.

According to *McCarthy and McCarthy [1991 : 382]*, each prospective volunteer should be asked to provide information regarding to:

- ▶ The amount of time the individual can donate to the program
- ▶ Familiarity with the community
- ▶ Skills

- ▶ Prior experience
- ▶ Views on crime.

Therefore, no person should be finally selected until the individual participated in an orientation program and previewed the job.

*Swart [1992 : 140], states that: "Keuring hou die bepaalde voordele in soos onder meer die volgende, naamlik:*

- *Dit stel die Keurder in staat om 'n idee te vorm van wie die vrywilligers is, wat hulle wil doen en waartoe hulle in staat is*
- *Dit bespaar koste en tyd deurdat opleiding meer effektief aangewend kan word en plasings meer suksesvol kan wees*
- *Dit voorkom onaangenaamhede, soos die afdanking van vrywilligers*
- *Dit verhoog die kwaliteit en kwantiteit van dienslewering aan die kliënte sisteem*
- *Dit bied aan potensiële vrywilligers die geleentheid om hulself te evalueer en te bepaal of hulle kans sien vir die taak wat voorlê."*

It is obvious that personnel provision does not only mean providing for particular manpower requirements.

The emphasis is on the provision of the right kind of manpower.

staffing process and can rightfully be seen as the basis of personnel management practice. It is important for any institution to try to make the right appointment by means of a selection. Selection is the process that divides the candidates for employment into those whom the work opportunity will be offered and those who will not receive an offer [Kroon, 1990 : 327].

The training of the volunteer will be discussed hereunder.

#### 5.8.4 TRAINING

According to *McCarthy and McCarthy* [1991 : 382], the volunteer training should include the following five components, namely:

- ▶ What the volunteer job is like
- ▶ Over-view of the Criminal Justice System
- ▶ Community resource information
- ▶ What the offender is like
- ▶ Counselling, or other job-related skills.

Therefore, training should also include a ceremonial component - a formal welcome to the agency by the director or a gradual ceremony - to impress upon volunteers. The seriousness and importance of their activities [McCarthy and McCarthy, 1991 : 382].

*verband met die doelstellings van die organisasie en die tipe diens wat gelewer word.*

*Die primêre oogmerk van opleiding is om die vrywilliger se kennis en insig te verbreed, waar nodig, houdings en gesindhede te verander en om die vermoëns van die vrywilligers verder te ontwikkel en uit te brei. Die diens wat die vrywilliger gaan lewer, bepaal dan ook 'n groot mate die aard en graad van opleiding.”*

By the same token, *Grundling* [1981 : 9], states that there are two important forms of training, which the volunteers would undergo, namely:

- ▶ *“Vooraf-opleiding vind plaas nadat vrywilligers gekeur is. By voltooiing van die opleiding moet vrywilligers 'n toets aflê*
- ▶ *Indiensopleiding of voortgesette opleiding nadat die vrywilliger met 'n besondere taak begin het.”*

Therefore, training prepares volunteers to improve performance on present jobs, and is usually regarded as an expense item necessary to make the agency more effective or increase productivity [*Phillips, 1987 : 149*]. However, it is important that once volunteers are chosen, they need to be orientated and trained. Expectations should be carefully laid out so that everyone understands what is required of the volunteers and the staff who will be working with them [*Rapp and Poertner, 1992 : 236*].

By the same token, *McSweeney and Alexander [1996 : 27]*, state that all organisations exist for purpose, or at least they came into existence for a purpose.

Therefore, *Swart [1992 : 146]*, states that: “*Grondige beplanning van ‘n opleidingsprogram is noodsaaklik en daar moet besin word oor die doel van die opleiding, die soort opleiding wat vereis word, die inhoud van opleiding en bepaalde praktiese oorwegings, soos fasiliteite, tydskedules, metodes en hulpmiddels*”.

#### 5.8.5 THE PURPOSE OF TRAINING

According to *Swart [1992 : 147]*, “*Opleiding vir vrywilligers moet eerder toegespits word op die volgende, naamlik:*

- ▶ *Die uitbou van vermoëns en vaardighede van die vrywilliger*
- ▶ *Wyses waarop kliënte hanteer moet word*
- ▶ *Begrip vir kliënte se behoeftes en probleme wat hulle mag ondervind;*
- ▶ *Die rol en funksie wat hulle moet vervul*
- ▶ *Inligting ten opsigte van die organisasie wat hulle sal verteenwoordig”.*

According to *Swart [1992 : 147]*, “*Daar is hoofsaaklik twee vorme van opleiding wat vrywilligers kan ondergaan, naamlik:*

- ▶ *Vooraf-opleiding vind plaas nadat vrywilligers gekeur is. By voltooiing van die opleiding moet vrywilligers ‘n toets aflê*
- ▶ *Indiensopleiding of voortgeste opleiding geskied nadat die vrywilliger met*

Therefore, organisations often try to remind themselves and the rest of the world what their purpose is. Senior management also has to try to inject purpose into its workforce. One way of doing this, is using the mission approach, often write down a mission statement which is essentially a dynamic way of sharing your organisation's purpose for the benefit of workers and customers alike [McSweeney and Alexander, 1996 : 29]. Another strategy that helps to focus people in the organisation, is to try to create a vision for the organisation. A vision is a picture of the kinds of activities the organisation will be carrying out, for example: the way it provides services [McSweeney and Alexander, 1996 : 30].

Therefore, training is to clarify and insure the standards of performance needed for the task undertaken [Maves, 1981 : 66].

#### 5.8.6 JOB PLACEMENT

According to *McSweeney and Alexander* [1996 : 93], job descriptions can have a number of advantages for voluntary organisations and volunteers.

Firstly, they help ensure consistency in care service and approach to the client they aid the overall monitoring of standards and quality.

When used in conjunction with a contract and a quality training program,

working safely, managed effectively and performing a defined role for the client group being served.

A volunteer's job description should not be overlong or unduly bureaucratic. It should address the key tasks concerned with the volunteer role [*McSweeney and Alexander, 1996 : 93*].

Therefore, each volunteer must be matched to a job and a supervisor, as well as to an offender. The latter effort should focus on the offender's willingness and ability to work with a volunteer; an attempt must be made to devise a compatible match based on an assessment of the personalities, attitudes, skills, interests, and culture of the two persons [*McCarthy and McCarthy, 1991 : 382*]. However, *Pearce* [1993 : 41], states that, without differential labour costs, there is no need to develop precise job duties for compensation purposes.

Since there are no labour markets to tie wages to, nor any need to protect internal equity in pay, by justifying pay differences by variations in responsibilities, knowledge requirements, and so forth, there is no pressure to be precise about formal responsibilities. All of these volunteer staffed organisations had "jobs" that defined what workers are to do - sales clerks made sales, auditors are responsible for billing their "page" with stories. According to *Kouri* [1990 : 74 - 75], the following are

- ▶ Each volunteer job should have a little that is descriptive of the duties, sound interesting and is brief
- ▶ Job descriptions for volunteers should not be different than those for other age groups
- ▶ It should be mentioned in the job description whether reimbursement is available for out-of-pocket expense, such as parking, lunches, and bus fare
- ▶ The job description should specifically indicate the degree of flexibility in starting and finishing times for a job. Volunteers who get rides or use public transportation need to know whether being early or late is acceptable.

According to *Kouri [1990 : 71 - 74]*, the following steps will help ensure a good match between a job assignment and a volunteer's skills, interests, and expectations, namely:

- ▶ Use effective interview techniques, the job design and interviewing are essential because without either of them, making good placements becomes a matter of sheer luck
- ▶ Determine which skills the potential volunteer prefers to use  
Some applicants for volunteer jobs are enthusiastic about using skills they acquired and polished in the past. They find them challenging and have no desire to switch, but only to transplant them to new settings.
- ▶ Determine which level of responsibility the volunteer wants

- ▶ Involve volunteers in selecting or designing their jobs
- ▶ Be flexible in creating volunteer jobs to match skills
- ▶ Use trial periods.

As a back-up to careful interviewing, a mutually acceptable trial period in a volunteer job can protect both volunteer and staff against an unsuccessful placement.

Therefore, placement involves assigning new volunteers to the positions and orientating them properly so that they can begin working [*Edward and Yankey, 1991 : 117*].

#### 5.8.7 THE VOLUNTARY BODIES

*Gill and Manby [1990 : 13 - 14]*, states that the voluntary bodies tend to conform on five criteria, namely:

- ▶ They are initiated independently of the State
- ▶ They are controlled or directed by the State, for example: regarding decisions on services or clients
- ▶ They are not financed exclusively by the State
- ▶ They are non-profit making [or at least non-profit distributing]
- ▶ Acceptance of clients is not based on prior membership, or an ability to pay.

work is carried out by volunteers or paid staff. For the former, are those who serve their own members [self-help groups or mutual aid associations], and those providing a service for others [*Gill and Mawby, 1990 : 14 - 15*].

#### 5.8.8 VOLUNTEERS AND THE STAFF

According to *Williams [1981 : 153]*, it is unreasonable to expect statutory staff to cooperate with volunteers or with the local communities if they are simply making themselves redundant. But it is not beyond the bounds of possibility that such agreements might be reached. However, social workers are expected to undertake both specialist and generalist roles and to realise the importance of collaborating with community resources, like volunteers if the gap between the demand and supply of social care is to be reduced [*Darvill and Munday, 1984 : 14*].

The relationship between volunteers and paid employees attains significance where employees see their job, status or overtime as threatened by an increasing use of volunteers. Additionally, if volunteers are motivated by interesting work, then employees may find their workloads shifting [*Gill and Mawby, 1990 : 24*]. If volunteers, and their roles within the organisation, do not therefore meet the approval of employees of the agency in question, the organisation might predict that at the very least the use and usefulness of volunteers are likely to be

The second problem concerns the relationship between volunteer and client, which, in the context of relationship, is often referred to as an advantage of volunteer use. That is, it is alleged, volunteers, as ordinary members of the public, avoid the bureaucracy and its stigma in being able to build up meaningful and unthreatening relationships, with clients, and duty is replaced by caring as the basic principle to the relationship [*Gill and Mawby, 1990 : 24*].

#### 5.8.9 SOCIAL WORKERS AND VOLUNTEERS COMPARED

*Baldock and Prior [1981 : 18]*, states that excessive face-to-face dialogue between worker and client is the essential core component of social work practice.

All our respondents feel that engaging in direct and regular talk with clients, is what counted first and foremost, as doing social work, for example: taking precedence over acting as an advocate in dealing with other agencies or mobilising community resources.

Therefore, in many respects, the paid staff are thought to have important advantages over unpaid volunteers. They are seen as having a range of other resources from their agency at their disposal, and some clients did not feel beholden to people who were paid to help them - unlike their feelings towards volunteers who seemed to be receiving nothing in turn

However, the professionals are seen as delivering a standard service, the volunteers as providing a more general support for the family.

Through a period of testing, the family has convinced itself that the volunteer is theirs, not someone acting on another's behalf, but a personal, and caring friend [*Van den Eyken, 1982 : 61*].

Therefore, the volunteer can bring direct personal interest into institutional welfare services. The volunteer and the voluntary agency can help in practical issues of employment, accommodation and material assistance. The volunteer can help in ways that frequently are not possible for the full time officer who is identified as an agent of the State. But the volunteer and the voluntary agency must work within well-defined areas, to enable the best possible service to be provided to individuals and their families [*Cullen, Dowding and Griffin, 1988 : 291 - 292*].

## 5.9 **PARA-PROFESSIONALS AND EX-OFFENDERS IN CORRECTIONS**

Para-professionals and ex-offenders working in corrections, can also compensate for personnel shortages and offer several advantages over professional staff. Because of their personal experiences and cultural background, they are often uniquely prepared to assist offenders in rehabilitation and reintegration programs [*McCarthy and McCarthy, 1991*].

**5.10 SUMMARY**

The foregoing exposition has revealed that the volunteers are increasingly needed to perform a variety of services to enhance the effectiveness of staff members.

CHAPTER 6PAROLE SUPERVISION**6      INTRODUCTION**

This chapter examines the supervision of the parolees in the community. Parole supervision entails a law enforcement function which aims at ensuring that parolees and probationers adhere strictly to their conditions of release. Parole supervision falls under the umbrella of community corrections.

**6.1      JUSTIFICATION OF PAROLE SUPERVISION**

Once placed under parole supervision certain restrictions are placed on parolees. These restrictions are justified on the grounds that people who have been incarcerated must readjust to the community gradually so that they will not easily fall back into their preconviction habits and associations.

To ensure that the conditions are met and that the offender receives assistance in readjusting, a parole supervision officer [usually a parole officer] is assigned to maintain regular contact with the parolee [*Clear and Cole, 1990 : 440*].

Most standard discussions of parole supervision consider it as emanating

directly from the rehabilitative ideology: that early release from prison should be accompanied by the provision of services and assistance to ease the offender's gradual and lawful transition to the community [Roberts, 1994 : 298].

Therefore, the parole service has to look for tangible areas of action, which can be part of a more comprehensive strategy of intervention towards providing for some of the parolees most urgent and basic needs, such as accommodation, employment and education [Harding, 1987 : 131].

When releasees first come out of prison, their personal and material problems are staggering. *Clear and Cole [1990 : 440]* and *Nel [1981 : 277]*, state that in most countries releasees are given clothes, a token amount of money, a copy of the rules governing their release and the name and address of the parole officer to whom they must report within twenty four hours. The consistent discipline and strict enforcement approach to supervision is vital to ensure control and incapacitation of offenders, and an important reassurance to citizens concerned with potential risk posed by the parolees in the community work settings [Armstrong, 1991 : 141].

The next sub-section examines the Georgia model of parole supervision.

## 6.2 THE GEORGIA MODEL OF PAROLE SUPERVISION

Since the early 1990's Georgia had problems with the level of over population in their prisons. The relevant authorities were convinced that the problem could not be solved by building more and better prisons, and they concentrated on the development of alternative sentence options. The Georgia model led successful sentencing options and innovations in State and Local Government and therefore qualified to receive the annual Ford Foundation Award in 1987 [Neser, 1993 : 426].

For this reason the Department of Correctional Services in South Africa introduced community corrections which is based on Georgia model in August 1991.

Since models are not summarily transferable from one culture to another, adaptations to the Georgia model within a South African context was essential and for this reason our own unique model for South Africa was developed.

## 6.3 THE SOUTH AFRICAN MODEL OF PAROLE SUPERVISION

Parole supervision is a community-based treatment programme which is prescribed under strict supervision and control of correctional supervisors [Neser, 1993 : 427].

According to *Ellsworth [1992 : 408]*, jail over-crowding has generated re-examination of the concept of imprisonment and the use of alternative forms of sentencing. For this reason correctional supervision was introduced as an alternative sentencing option in South African courts. Parolees and probationers are supervised by the correctional officials in the community.

### 6.3.1 PRECONDITIONS FOR SUCCESSFUL SUPERVISION

According to *Neser [1993 : 428]*, there are five basic preconditions which are essential for correctional supervision to succeed in South Africa, namely:

- ▶ Community involvement and acceptance
- ▶ Courts should have confidence in the System
- ▶ Community Stability
- ▶ Availability of employment
- ▶ Compliance with international standards.

#### 6.3.1.1 Community Involvement and Acceptance

The community has to be an active partner for the successful operation of this system. In other words, parole supervision depends on the community's participation in inmate development programmes and supervision to produce the expected results.

courts should demonstrated commitment in protecting society against criminals through the manner in which sentences are imposed. The Department of Correctional Services should in turn demonstrate their commitment in administering those sentences carefully and consistently.

If the community accepts the sentence option imposed by courts, it may wish to become more involved with its administration through community institutions. Examples of the community's cooperation would involve the use of volunteers, para-professionals, and non-governmental organisations, making themselves available for services rendered for inmate development and rehabilitation [*Neser, 1993 : 428*].

#### 6.3.1.2 Courts should have confidence in the System

Correctional Supervision depends on the good will of the courts that impose the sentence. For this reason, the courts should have confidence in the system. This confidence depends upon the extent to which the Department of Correctional Services succeeds in proving that the system can be effectively executed in the community [*Neser, 1993 : 428*].

#### 6.3.1.3 Community Stability

A stable community is essential for the system to succeed. If there is unrest in a community, it is difficult to run such a system effectively. Correctional officials should, at least, be able to move in the community

permanent address where the parolee may be visited [Neser, 1993 : 428].

#### 6.3.1.4 Availability of Employment

The offender should be cared for by family or friends. The ideal is that the individual will at least have permanent employment, but given the present economic climate, this is a condition which is difficult to achieve. If a parolee does not have work, the parolee is not summarily excluded from the system. It is stated as one of the conditions, that the parolee should obtain employment as soon as possible. Proof of his search for employment is required continually [Neser, 1993 : 429].

#### 6.3.1.5 Compliance with International Standards

International standards with which a community based correctional system should comply with, are also known as the Tokyo Rules, which have been accepted by the United Nations. The directives and policy of Correctional Supervision in South Africa are based on these rules [Neser, 1993 : 429].

The conditions of the parole contract are defined by Statutes and set by Parole Boards. Sometimes parole conditions seem to control all facets of the releasees' behaviour, including some areas of life and conduct totally unrelated to reintegration.

must proceed directly, within a period of twenty-four hours, to the place to which the offender has been paroled and report upon arrival to the area officer or parole officer:

- ▶ Must not leave the community to which the parole has been granted
- ▶ Must carry out instructions of the parole officer
- ▶ Must make every effort to maintain gainful employment
- ▶ Must avoid excessive use of alcoholic beverages
- ▶ Abstain from use of unprescribed drugs
- ▶ Must not live as husband and wife with anyone to whom not legally married
- ▶ Must not carry fire-arms of any kind
- ▶ Must not sign a written release relinquishing extradition rights [*Callison, 1983 : 249*].

Parole rules are, or should be, reviewed and discussed thoroughly in the pre-parole preparation sessions. Most parole rules require behaviour exhibited by most normal people, anyway, in their ordinary living. They include rules such as having steady work, supporting a family, meeting obligations and violating no laws [*Fox, 1985 : 329 - 330*].

By the same token, *Doeren and Hageman [1982 : 110]*, state the following conditions of parole, namely:

- ▶ Compliance with the law is compulsory

selling or transporting any deadly weapons or fire-arms

- ▶ Parolees may not buy, or provide money for the purchase of any motor vehicle or drive a vehicle without permission
- ▶ Prior permission must be obtained to travel outside the State
- ▶ Place of residence or employment status and changes related thereto, must be reported
- ▶ Written reports must be submitted, regularly on the specified date to the parole officer.

#### 6.4 **MANAGEMENT OF PAROLE SUPERVISION**

The management of parole starts on the day in which the parolee is released. This stage is essential as it determines the success or failure of the parole process. Further details will be discussed here under.

##### 6.4.1 **THE NEED FOR IMMEDIATE CONTACT WITH OFFENDER**

The supervising authority must establish contact with the parolee as soon as possible after the offender is released. This contact and communication should be made prior to release whenever possible [Henningsen, 1981 : 86]. Many parolees who leave prison without family or officer supervision, are picked up on the same day they are released. They may go into a bar for a drink while waiting for the bus, and be arrested for public drunkenness [Fox, 1985 : 329]. Avoiding bars, areas and situations vulnerable to liquor abuse and subsequent criminal

of parolees [Fox, 1985 : 329]. Therefore, parole in concept, provides for supervision of the offender, once the offender has been released from prison in order counteract the negative outcomes that no supervision may have, as sketched by the researcher.

The provision of community supervision is based upon two underlying principles, namely:

- ▶ The need to protect the public
- ▶ The need to provide assistance to the parolee in becoming “reintegrated” into the community.

Consequently, the parole officer or agent, who is the cornerstone of parole supervision, is often perceived as having to occupy and perform two potentially conflicting roles: that of a policeman and a social worker [Doeren and Hageman, 1982 : 110].

In order to achieve the goal of the protection of the public, parole agents often perform a number of “policing or surveillance” duties. These include making sure that the parolee strictly adheres to the parole conditions as well as initiating revocation procedures if a violation of the rules occurs. In some jurisdictions, parole officers are even required to carry fire-arms and to arrest parole violators when necessary [Doeren and Hageman, 1982 : 110].

#### 6.4.2 EARLY CONTACT ACTIVITIES

More often than not, a newly released offender understands little of the process under which release occurs. The parole officer should take the opportunity to explain the concept and answer any question the offender may have. The parole officer should also establish a relationship with the offender as a supervisor and discuss the nature, goals, and requirement of release with the offender at the earliest possible time.

Among other things, the parole officer must explain the conditions of release and the consequences of violating such conditions. This involves more than just reading the terms of release. The parole officer must ensure that the parolee understands the conditions and fully agrees to observe them [*Henningsen, 1981 : 86*].

#### 6.4.3 CONSEQUENCES OF DELAY IN ESTABLISHING CONTACT

Any delay between the time an offender is released on parole and the first contact with the supervising officer, undermines the goals of the release. The anxiety and uncertainty that an offender typically feels, prior to receiving parole, may be replaced by a feeling of freedom and needs to be concerned with his/her behaviour. Thus it is equally important that the supervising officer impress upon the newly released parolee at the outset, that the release is subject to the conditions imposed with it [*Henningsen, 1981 : 86*].

## 6.5 THE PAROLE SUPERVISION PROGRAMME

An individual orientated programme for the released parolee should be discussed and decided upon at the first meeting between the parolee and the parole officer. Problems should be assessed at that time and plans developed to maximize the chances of a successful reintegration. Family, school, or career goals which form an essential part of developing a reintegration programme should also be addressed [*Henningsen, 1981 : 86*]. The efforts and work of parole officers are of real value in helping some or many ex-prisoners become successfully established and return to community as law abiding citizens [*Keeve, 1981 : 313*].

Certainly, parole supervision without offender cooperation and participation can hardly succeed. Further discussion follows here under.

### 6.5.1. PARTICIPATION OF OFFENDERS IN PAROLE PROGRAMMES

Depending on each parolee's needs, some have to participate in skills development programmes, whereas others might be required to participate in various social intervention programmes, such as life skills, anti-drug and alcoholic anonymous programmes.

According to *Gerber [1995 : 144]*, the head of community corrections is responsible for establishing:

- ▶ What programmes are available for parolees in the area

- ▶ Which institutions are willing to assist voluntarily
- ▶ Which individual volunteers wish to render service in the area.

Therefore, it is important that the parolee have a voice in the development of his supervision program. This will help the parolee to fully understand the rationale behind the parole plan, his/her role and responsibilities in making it work towards reaching a decision to drift away from criminal life style to law abiding life style.

The supervising officer and the parolee should explore the latter's individual needs, and the supervising officer should encourage the parolee to think carefully about his future [*Henningsen, 1981 : 86*].

A great deal of emphasis is placed on the participant taking responsibility for his actions and for straightening out his life. This is one of the points that the re-sentencing panel of judges emphasizes as it reviews each participant's progress at the end of the person's beginner, intermediate, advanced, and senior stages in the programme [*McCarthy, 1987 : 87*].

#### 6.5.2 APPROACH TO PAROLE PLANS

One useful approach in designing effective supervision plans, is to study the personality characteristics of particular parolee groups, since an understanding of an individual's personality constructs, make it possible to tailor programmes having considered the unique strengths and

There are two stages of parole plans; namely: Stage One and Two [Henningsen, 1981 : 86 - 87].

#### 6.5.2.1 Stage One

The initial program for the parolee would involve a highly structured written contract in which behavioural objectives, expectations, and consequences are clearly articulated and a timetable for assessing progress is set forth. The parole officer would assume control of all decision-making in this first stage, making sure to assert his power in an evenhanded, consistent manner. At the same time, every effort should be made to establish unambiguous lines of communication between the parolee and the supervising officer [Henningsen, 1981 : 87].

#### 6.5.2.2 Stage Two

The initial parole phase evolves into a second stage, conditioned by the parolee's behaviour. Mutual agreement programming takes place where the parolee assumes a role in decision-making and takes responsibility for the consequences of these decisions. Such decisions might be based on short, medium or long-term goals with clearly written rewards if achieved within given schedules. The programme could then increase offender participation in the reintegration programme [Henningsen, 1981 : 87].

### 6.5.3 CRITERIA FOR EFFECTIVE RELEASE CONDITIONS

According to *Henningsen [1981 : 87 - 88]*, in order for conditions of release to serve as effective guidelines, they must meet the following criteria, namely:

- ▶ The conditions imposed by the paroling authority should be realistic and enforceable. Such requirements lose their meaning if they are not reasonable, practical, and within the purview of the law
- ▶ The conditions of parole should be tailored to the needs of the parolee in question, with the recognition that parolees encompass a broad spectrum of widely divergent needs, abilities, and life situations
- ▶ If the conditions attached to release on parole are to serve as guidelines for acceptable behaviour, they must be administered by the supervising agency in a fair and sensible manner. The aim should be to help the parolee develop a normal lifestyle, rather than to enforce restrictions as a type of further punishment [*Henningsen, 1981 : 87 - 88*].

Therefore, the parole officers should help the parolee who experience problems associated with unemployment, limited education, lack of social skills, poor accommodation, relationship, marriage and family problems [*Whitehead, 1990 : 224*].

### 6.5.4 CURRENT TREND IN RELEASE REQUIREMENT

As a general matter, courts tolerate the imposition of more stringent

“constructively a prisoner of the state” [that is, still in constrictive custody while released on parole] [*Henningsen, 1981 : 89*].

#### 6.5.4.1 Standard Conditions

According to *Henningsen [1981 : 89]*, the standard conditions of parole imposed on parolees are the following, namely:

- ▶ Obey all laws
- ▶ Secure permission from a parole officer before leaving the district
- ▶ Report any written instructions issued by the parole officer.

According to *Ellsworth [1192 : 172]*, supervision standards must meet several managerial needs, namely:

- ▶ They must be realistic, not eagling for more time or effort than staff can actually provide
- ▶ They must be simple enough to be manageable by the line officers who must implement them and supervisors who must hold staff accountable for them.

#### 6.5.4.2 Additional Conditions Optional

The parole authority may impose additional conditions in specific cases as it deems appropriate, conditions also may be added from time to time on the request of the parole officer [*Henningsen, 1989 : 89*].

### 6.5.5 STYLES OF SUPERVISION

Parole supervision can be examined from a number of points of view. If supervision itself is considered a reintegration strategy, the knowledge and skills used by the parole officer encourage reduction of criminality through the solution of problems.

The parole officer in fact, serves a diagnostic arm of the Parole Board and as a community organization specialist mobilizing agencies to resolve problems of specific offenders.

However, the sympathy of some parole officers for parolees may obstruct objective viewing of their problems and their potential for acceptable social behaviour. It is therefore essential that parole officers be objective and consistent at all times when dealing with parolees and probationers [Callison, 1983 : 248].

At the other extreme is the policing strategy, in which the duties of supervision emphasize protection of the community. The parole officer serves only as a police officer, communicating to the offender the fear that parole will be revoked. The most difficult task for parole officers is balancing these contradictory roles. As the enforcers of rules, they are given the power to restrict many aspects of the parolees lives and to revoke release at will.

Parole officers must be helpers - helping parolees to find jobs and residences and to restore family ties. They may be resource brokers as well, channelling parolees to the social agencies that can help them.

They must establish enough trust with the parolees that they confide their frustrations and concerns to the officers. Parole supervision is difficult, because release on parole is based on a mutual agreement. In this respect parole release is a contract - a contention that courts have consistently upheld when affirming parole revocations for breach of conditions attached to the parole [*Callison, 248 - 9*].

#### 6.5.5.1 The Legal Significance for Supervision

According to *Trester [1981 : 189]*, supervision of the parolee has its origins within the framework of the law. Certainly this bit of information has not been lost on the offender.

The Correctional System has developed into a structure that absorbs the initial thrust or crime of the offender and then processes that violator through a series of functional levels designed to deter further such behaviour.

Only the names, faces, judicial levels, and degrees of intensity differ within the system. Although supervision must be sufficiently flexible,

unclenching factor is that of the purpose of supervision to foster accountability. Therefore, the law provides for the general format and terms of supervision, for the time element or duration, and for the mechanical processes providing for termination and revocation [*Tester, 1981 : 189*].

#### 6.5.5.2 Elements of Correctional Supervision

The following are the elements of correctional supervision.

##### 6.5.5.2.1 House Arrest

According to *Gerber [1995 : 140]*, "house arrest implies that part of the day or night when the parolee is not working and obliged to be at home". House arrest has a long history, but this history is a cause for concern among some, because of the traditional use of the practice as a means of silencing political dissent.

South Africa, for example, has a long history of control through "burning", and societies such as Poland, South Korea, India, and the Soviet Union are known to employ house arrest primarily to deal with troublesome political dissenters [*Ball, Huff and Lilly, 1988 : 34*].

House arrest is a sentence imposed by the court in which offenders are legally ordered to remain confined in their own residences. They are

employment [*American Correctional Association, 1990 : 47*].

Recent years have seen a dramatic explosion of interest in the development of what has been referred to traditionally as "house arrest". This term is often used loosely and it is probably preferable to refer to this correctional policy alternatively as home confinement. A term that has the virtue of covering more specific practices, such as home detention and home incarceration is home confinement. The term "house arrest" tends to imply police action without much in the way of judicial process [*Duffee and McGarrell, 1990 : 73*].

Offenders are placed on parole in their own homes, under specified regulations, including restrictions on when they may leave the premises and for what purposes [*Reid, 1991 : 631*]. Home detention is a more restrictive level of confinement. This sanction allows the client to be away from home during certain blocks of time on a regular schedule - for example, hours for work, education, job training, counselling, and so on. For instance, participants may be expected to be at work from 08h00 until 17h00 on week days. They may also be scheduled to be away from 07h00 until 21h00. Thursday evenings are allocated for group counselling sessions.

Regulations may also allow persons under monitoring to attend religious

1993 : 116].

Supervision of the parolee should be provided by a designated agency that ensures compliance with all requirements by the release through a case management process [*Morton, 1991 : 57*].

#### 6.5.5.2.1.1 Advantages of House Arrest

The advantages of house arrest include cost effectiveness, social benefits [such as permitting the offender to keep a job and continue interacting with family], flexibility that enables adaptation of the plan to the individual needs of both the parolee and of the community [*Reid, 1991 : 631*]. According to *Duffee and McGarrell [1990 : 73]*, house arrest has been praised as a more human and less “corrupting” method than confinement in a correctional institution and promises to be an economical alternative to building more prisons.

#### 6.5.5.2.1.2 Disadvantages of House Arrest

*Petersilia in Reid [1991 : 631]*, lists the following disadvantages of house arrest, namely:

- ▶ house arrest may widen the net of social control
- ▶ house arrest may narrow the net of social control
- ▶ house arrest focuses primarily on offender surveillance
- ▶ house arrest is intrusive and possibly illegal

- ▶ house arrest compromises public safety.

Soon after release, offenders learn that they have achieved an in-between status. They are back in society, but not totally free. They face restrictions on opportunities beyond the close monitoring of the parole officer [*Clear and Cole, 1990 : 461*].

#### 6.5.5.3 Appropriate Amount of Supervision

The appropriate amount of supervision will be discussed in the following sub-sections.

#### 6.5.5.4 Basic Levels or Degrees of Supervision

Correctional supervision provides more than one level or degree of supervision for released offenders.

The typical system involves three basic levels of monitoring, namely:

- ▶ Maximum supervision
- ▶ Medium supervision
- ▶ Minimum supervision.

The main objective of parolee classification systems is to place and monitor parolees according to risk involved [*Duckitt and Du Toit, 1986 : 18*].

#### 6.5.5.4.1 Maximum Intensive Supervision

Maximum supervision is appropriate for all newly released offenders and in cases where there is decided to be a substantial risk of further criminal activity. This level of supervision necessitates weekly personal contacts between the parolee and the supervisor, in some instances, more frequent contacts are required. At least some of these contacts occur at the offenders residence so that the supervising officer may observe the circumstances in which the parolee is functioning [Henningsen, 1981 : 89].

According to Gerber [1995 : 137], *“alvorens ‘n persoon in ‘n bepaalde moniteringskategorie ingedeel kan word, is daar ‘n aantal faktore wat in aanmerking geneem behoort te word. ‘n Parolee word in die maksimum intensiewe moniteringskategorie ingedeel:*

- ▶ *direk na opname in die stelsel*
- ▶ *in geval van vorige skuldigbevindings aan paroolbreuk, ontvlugtings, of nie-nakoming van opskortingsvoorwaardes of waar onstabiele sosiale verhoudings voorkom”.*

By the same token, Wilson and Petersilia [1995 : 427] classification involves the use of a standardized scale to assess individual clients in terms of risk to the community and need for assistance. Parolees are differentiated into levels [minimum, medium and maximum], based on scores. Clients who have the highest scores for risk or need receive the

A parolee with serious employment difficulties will frequently be placed in the Maximum Supervision Category so that close attention to his work experience can be maintained. In these situations, the supervising officer must make it clear to the parolee exactly what is expected of him [*Henningsen, 1981 : 90*].

Through the determination of what constitutes the legitimate management of different categories of offender will properly be defined by legislation, the interpretation and implementation of statute will fall to whatever local crime committees are instituted. The crucial technical problem in community-based strategies is, of course, to avoid soft supervision being extended inappropriately to cover a wide range of marginal offenders whose need is not great and who present minimal risk to the community [*Harris, 1992 : 170 - 171*].

Therefore, the fundamental aim is to develop a fair system of community protection in which incapacitative and treatment measures used to control risk are employed rationally. Risk control involves developing a programme plan profile for each offender, following four essential steps, namely:

- ▶ determining the degree of supervision and conditions a parolee should receive, depending on the risk level represented by that client
- ▶ analysing the problems that affect the clients returning to the community

each objective [*Harris, 1992 : 171*].

According to *McShane and Krause [1993 : 150]*, in many ways there are similarities between intensive supervision programmes. Intensive supervision programmes are typically characterized by the following elements, namely:

- ▶ small caseloads
- ▶ more frequent contacts between officer and client
- ▶ periodic performance reviews
- ▶ more restrictions on offenders and more use of curfew and house arrest;
- ▶ more use of drug and alcohol testing
- ▶ more use of teams of officers
- ▶ more frequent use of revocation.

#### 6.5.5.4.2 Small Caseloads

The average caseload size for an intensive supervision officer is about 25 client in contrast to regular probation caseloads that may carry anywhere from 75 to 125 clients [*McShane and Krause, 1993 : 157*]. According to *Fox [1985 : 332]*, the size of parole caseloads varies from around 20, in some intensive supervision situations, to 200 and more in some backward areas where probationers and parolees are supervised together.

#### 6.5.5.4.3 Medium Intensive Supervision

According to *Henningsen [1981 : 90]*, a majority of parolees require regular contact with their supervising officers no more than once or twice a month [although extra supervision may be needed at times]. At this level, reporting is scheduled so that parolee can meet responsibilities at work or school.

*"n Parolee kan in die medium intensiewe kategorie ingedeel word wanneer:*

- ▶ *'n periode van maksimum monitering suksesvol voltooi is*
- ▶ *'n redelike stabiele werk- en verblyfgeskiedenis bestaan*
- ▶ *geen of 'n misdad-/gedragsrekord sonder fisiese geweld voorkom*
- ▶ *redelike stabiele sosiale verhoudings bestaan*
- ▶ *die parolee oor verblyf en werk beskik en finansieel onafhanklik of fisies versorgd is*
- ▶ *geen geskiedenis van herhaalde paroolbreuk, nie-nakoming van opskortingsvoorwaardes bestaan nie" [Gerber, 1995 : 138].*

#### 6.5.5.4.4 Minimum Intensive Supervision

When an offender has demonstrated a successful readjustment to community life through his ability to keep a job, obey all laws set by correctional supervision, maintain a satisfactory personal life, and fulfill

placed under minimum supervision. This allows the parolee to report even less frequently since it is assumed that the parolee has substantially fulfilled the objectives of the untried supervision programme [Henningsen, 1981 : 90].

*“n Parolee kan in die minimum intensiewe moniteringskategorie ingedeel word wanneer:*

- ▶ *'n periode van medium monitering suksesvol voltooi is*
- ▶ *nie ooglopend 'n wesentlike gevaar vir die samelewing inhou nie*
- ▶ *nie alkohol en/of dwelms misbruik nie*
- ▶ *fisies/finansieel versorgd is” [Gerber, 1995 : 138].*

#### 6.5.5.4.5 Shifts in Levels of Supervision

As the preceding discussion indicates, the level of supervision for a particular parolee can be increased or decreased as the situation warrants. In such cases, the supervising officer will need to revise the parolee's programme plan as needed [Henningsen, 1981 : 90].

By the same token, Henningsen [1981 : 97] states that if the supervision officer has reason to believe that the parolee may have violated a condition of release, the supervising officer should investigate the situation to obtain the facts and should then respond in a manner appropriate to the results of the investigation. In most cases the response

supervision or initiating the process of revocation of parole.

However, where violations of the release terms are in fact remediable, the supervising officer may decide, alone or with the advice of his superiors, to increase the amount and intensity of supervision over the released offender.

Among other things, the parolee may be required to report to the supervising officer more frequently or to begin intensive individual or group counselling programmes. In some instances, the supervising officer may employ "jail therapy" that is, short-term incarceration in a local jail to impress upon the parolee the seriousness of his violation [Henningsen, 1981 : 97]. Internationally it is accepted that rehabilitation can take place most efficiently in the community and not in prison.

Correctional supervision should still contain an element of treatment which may lead to the improvement and rehabilitation of parolees. Correctional supervision often allows access to available treatment programmes in the community which facilitate the integration of parolees under correctional supervision. The programmes which have already been introduced by private and state institutions, may now be made available to parolees in consultation with such institutions. Participation in these programmes may also be stated as a condition of correctional

#### 6.5.5.4.6 Case Promotion

The heads of correctional supervision should encourage their staff to move cases from more intense levels of supervision to less intense levels whenever appropriate, since this allows supervising officers to spend more time with cases needing more attention [*Henningsen, 1981 : 90*].

#### 6.5.5.4.7 Case Demotion

According to *Henningsen [1981 : 90]*, a parolee who fails to meet the requirements of the assigned level of supervision, generally should be placed in a programme calling for more intensive supervision.

#### 6.5.5.5 Underlying Problems in Complying with Conditions of Release

Once an offender is released on parole, it is the supervising officer's responsibility to see that parolee abide by the rules of release. Minor infractions or violations of the conditions of release may not automatically be a cause for great concern on the part of the supervising officer. However, problems or instability in the offender's family, financial, or employment situations can lead to serious compliance difficulties and thus they require careful scrutiny by the supervising officer [*Henningsen, 1996 : 96*].

##### 6.5.5.5.1 Deteriorating family Situation

A family situation in which discord, alcoholism, or other serious problems

In some instances, the parolee will need to be removed from the situation and placed in an alternative living arrangement [*Henningsen, 1981 : 96*].

#### 6.5.5.5.2 Deteriorating financial or occupational situation

When a parolee experiences significant occupational or financial difficulties, the supervising officer will need to investigate the situation to determine the problem and try to remedy it. If the parolee loses his job, for example, the supervising officer must seek to determine the cause. If the parolee wishes to change jobs, the reason must be determined and must be assessed by the supervising officer the stability of the proposed new job [*Henningsen, 1981 : 96 - 97*].

#### 6.5.5.6 House Arrest and Justice

Placing an offender under house arrest, as an alternative to the use of secure detention facilities, has evolved in response to concerns about:

- ▶ the harmful effects of confining adults in jails
- ▶ the disfunctional aspects of isolating offenders from their families and from the communities in which they live
- ▶ the overcrowding that exists in many jails
- ▶ the absence of suitable facilities in many areas of the nation [*Ball, Huff and Lilly, 1988 : 40*].

Workers supervising parolees placed under home supervision status are

- ▶ execute a contract with the parolee
- ▶ have at least one face-to-face and one telephonic contact with the parolee.

These contacts are intended to enable staff to identify problems, monitor the parolee's adjustment, and provide needed services [*Ball, Huff and Lilly, 1988 : 45*].

## 6.6 ELECTRONIC MONITORING OF OFFENDERS

The idea of using electronic monitoring devices to track the locations of probationers and parolees in the community was first discovered by Ralph Schwitzgebel, a doctor, in the early 1960's.

Doctor Schwitzgebel developed and tested such a device on research volunteers in Massachusetts. Recently, technology has developed that allows signals to be transmitted over greater distances using telephone lines or radio relays [*McCarthy, 1987 : 137*]. Although the use of electronic surveillance was initiated in the 1960's, it was not developed into a marketable product until almost fifteen years later. When adequate telemetry technology was finally introduced, it renewed interest in home confinement. The idea was of particular concern to judge Jack Love in New Mexico, who was searching for alternatives to incarceration. The state had recently experienced a brutal and bloody riot in the state

be exposed to such violence. Allegedly, the judge had been impressed by a comic strip in which spider man was tracked by a wrist transmitter. An engineer recruited by the judge is said to have designed the first electronic monitoring device, which was worn around the ankle. In 1983, judge Love pronounced the first sentence of electronically monitored home confinement [*McShane and Krause, 1993 : 117 - 118*].

According to *Byrne, Lurigio and Petersilia [1992 : 43]*, the most current electronic monitoring equipment simply reports through telephone lines whether or not an offender is present at a single location. Electronic monitoring equipment first became available commercially early in 1985. Since then, the number of programmes, the number of offenders being monitored, and the variety of target populations have expanded rapidly and continuously [*Byrne, Lurigio, and Petersilia, 1992 : 54*].

The introduction of electronic monitoring technology has changed the perception of home confinement, also known as house arrest. It is perceived as a meaningful sanction with far greater assurance of the offender's compliance [*Zveki'c, 1994 : 364*].

Electronic monitoring systems are designed to allow continuous surveillance of the offender through computer signals transmitted from the offender's home to the control station. The majority of offenders in home

restricted to their homes at night and on the weekends. While they are at home, the electronic devices ensure that they do not leave without being detected by the main control office [McShane and Krause, 1993 : 118].

According to Ellsworth [1992 : 325], present programmes have the base computer located in a facility that is staffed 24 hours a day, 7 days a week. Among the possible new uses of electronic surveillance, in addition to home confinement is the monitoring of parolee's movements. It is accepted by many Corrections that a major reason for parole failure is the parolees contact with bad associates and the abuse of alcohol or drugs. Electronic surveillance could provide a system of control whereby parolees are more closely monitored in order to reduce these undesirable contacts and thereby reduce failure on parole [McCarthy, 1987 : 175].

According to professor Norval Morris in *Prison Service Journal* [1989 : 4], curfew control can enhance the capacity to inhibit crime. Professor Norval Morris described electronic monitoring devices as "a current and useful reality" which provide promise for the future.

## 6.6.1 ELECTRONIC MONITORING EQUIPMENT

### 6.6.1.1 Purpose

The purpose of electronic monitoring equipment is to monitor an offender's presence in a given environment where the offender is required

A: Devices that use a telephone at the monitored location		B: Devices that do not use a telephone	
i] Continuously signalling	ii] Programmed contact	i] Continuously Signalling	ii] Radio signalling
<p>A miniaturized <b>transmitter</b> is strapped to the offender and it broadcasts an encoded signal at regular intervals over a range.</p> <p>A <b>receiver-dialler</b>, located in the offender's home detects signals from the transmitter and reports to a central computer when it stops receiving the signal from the transmitter and when it starts receiving the signal again, it also provides periodic checks.</p> <p>A central <b>computer</b> or <b>receiver</b> accepts reports from the receiver-dialler over the telephone lines, compares then with the offender's curfew schedule, and alerts correctional officials to unauthorized absences.</p>	<p>A <b>computer</b> is programmed to call the offender during the hours being monitored either randomly or at specifically selected times. It prepares reports on the results of the calls.</p> <p>Strapped on the offender's arm is a <b>wristlet</b>, a black plastic module.</p> <p>When the computer calls, the wristlet is inserted into a <b>verifier box</b> connected to the telephone to verify that the call is being answered by the offender being monitored.</p>	<p>A <b>transmitter</b> is strapped to the offender which sends out a constant signal.</p> <p>A <b>portable receiver</b>, in the car of the officer who is monitoring the offender, is tuned to receive the signal from the specific transmitter when the officer drives within one block of the offender's home.</p>	<p>The <b>link</b> is a small transmitter worn by the offender.</p> <p>The <b>locator unit</b>, placed in the offender's home or other approved location, receives the signal from the link, records it and relays the information by radio signals to the local area monitor.</p> <p>The <b>local area monitor</b> is a microcomputer and information management system. This equipment is placed with the network manager [the leader of a small group of people who supervise the offender and encourage him to succeed]. It receives information from the offender and coordinates communications among the network members. Each local network can handle 15 to 25 people.</p> <p>If required, a <b>central base station</b> can be added to provide increased security and back-up functions.</p>

There are basically two types of electronic monitoring systems: Continuously signalling devices and programmed contact devices. About 54 percent of the programs use a continuously signalling device that requires the offender to wear a transmitter that sends radio signal to a receiver attached to the phone that communicates with a control computer at the control agency. The receiver monitors the offender's transmitter unit, which is worn on the wrist or ankle [*McShane and Krause, 1993 : 188*].

The technology of electronic monitoring, which is presently available commercially in the United States, obtains information about the offender's presence in absence from the monitored location and transmits it to a computer, usually over telephone lines. However, several different approaches are used to accomplish this.

One approach is the "continuously signalling device", which telephones the offender periodically to verify his or her presence. The most recently developed approach is "hybrid" equipment, which combines these two technologies [*Zveki'c, 1994 : 364*].

According to *McShane and Krause [1993 : 119]*, the ankle transmitter is the equipment most preferred, because it is less noticeable. However, female offenders claim that the device is too conspicuous when they wear

However, in the programmed contact system, the control computer calls, the offender at random intervals or at designated times and reports on the contacts. Computer print-outs generated at the central office record any abnormal activity, such as failures of telephone lines or electricity tampering, or absences of the offender [*McShane and Krause, 1993 : 120*].

#### 6.6.2 CONSTITUTIONAL ISSUES IN THE USE OF ELECTRONIC SURVEILLANCE

According to *McShane and Krause [1993 : 126]*, when the constitutionality of electronic surveillance is questioned, the court must consider a number of issues. Some concerns relate to the expectations and standards of our society and others to the status of the convicted offender. The court first looks at prevailing social attitudes when deciding whether a punishment is equitable and humane. Over time, social values change, and court decisions attempt to conform with current norms. In attempts to mirror the values of society, judges will prohibit practices that “shock the conscience of society”.

However, the court also realizes that the rights and freedoms a person expects to be afforded, are limited or diminished if convicted. It is up to the court to determine how to restrict the convicted, what rights are to be limited, in what ways these rights can be limited, and which rights are

126].

According to *McShane and Krause [1993 : 127 - 128]*, legal issues that arise over this alternative sentence can be categorized under the following, namely:

#### 6.6.2.1 The right to Privacy

Although a convicted person is considered by the courts to have a limited expectation of privacy when confined, the home has traditionally been the area where citizens have enjoyed the greatest freedom from interference. Because a person enters into an agreement, such as parole contract the court or prison before being monitored, the term set and the ability of the officer to enforce these terms is accepted as reasonable. In a sense, the parolee has volunteered.

Also, electronic devices are not considered unreasonable invasions of privacy, because they are used to enforce curfew and travel restrictions, both of which serve legitimate goals. Theoretically, the officer could watch each parolee to ensure that the parolee is complying with those restrictions.

#### 6.6.2.2 The right to be protected against misuse

The persons or parolees being supervised, are in essence providing

that trigger the equipment that signals a violation report.

#### 6.6.2.3 The Right to be Protected from Illegal Search and Seizure

Issues of search and seizure may be raised when a supervising authority uses information gained through electronic surveillance as evidence in a revocation proceeding. The defendant may claim that the evidence was obtained illegally in that no search warrant was procured in the process or in that no probable cause existed for search. However, previous court decisions have said that parolees may be subject to warrantless searches by supervising officials. In addition, the person being monitored has agreed to the conditions of home confinement, including random accountability checks.

If the courts determine that electronic monitoring is like a search, it would probably still be permissible, because current policy usually provides the parole officer with the power to conduct searches.

Electronic monitoring units are also incorporating drug and alcohol tests into their feed-back, but the issues of search and seizure may become more important and legally controversial [*McShane and Krause, 1993 : 127 - 128*].

#### 6.6.2.4 The Right to Equal Protection under the Law

that criteria for participation in the electronically monitored home confinement programme discriminate against certain protected classes of people, namely the poor.

Many electronic monitoring programs require that the offender have a suitable place to live and a telephone and be able to pay fees for the use of equipment. These requirements may cause young and indigent offenders to challenge the prerequisites as being unconstitutional. To establish unconstitutionality, the offender may have to show that other similarly situated offenders, who have money and a home of their own receive less restrictive punishments, such as home confinement.

The incarcerated poor would then attempt to establish that, except for a lack of funds, the offender would be eligible for an electronic monitoring program.

Therefore, advances in technology may help to remedy this potential discriminatory impact, because future services will not be limited to those who have phones [*McShane and Krause, 1993 : 128*].

#### 6.6.2.5 The Right to be free from Cruel and Usual Punishment

The reasons usually raised in case of alternative sentences or revocation is that some conditions imposed by the court or Parole Board are claimed

The severity of supervision is usually measured in comparison to the crime or the sentences given to others who have committed a similar crime. The use of an ankle device does not appear to be cruel, and unusual punishment used by the courts for community-based corrections. Its effects are not oppressive, nor does it subject the user to humiliation or degradation. Compared to incarceration it is certainly less restrictive and much more humane. Therefore, it is important that electronic monitoring should not interfere with other rehabilitation efforts in which the offender may be involved [*McShane and Krause, 1993 : 128*].

### 6.6.3 ADVANTAGES OF ELECTRONICALLY MONITORED HOME CONFINEMENT

The restriction of one's liberty and freedom to move about is an essential element of any punishment. Limitations on movement and social activity serve to remind offenders of their diminished status, which is a consequence of crime. Together with house arrest, the restrictions imposed are designed to incapacitate the offender, thus protecting the society.

The schedules of electronic monitoring target times and theoretically incapacitate the offender during high-risk times, namely weekends and nights. The conditions are also similar to curfews that remove the offender from high-risk involvements as well [*McShane and Krause, 1993*].

Electronic monitoring addresses the needs of society, allows for the rehabilitation of the offender and reintegration back to society. Another advantage of electronic monitoring programmes is their potential for preserving relationships within the offender's family. Criminal Justice literature often refers to offenders' families as hidden victims in the system, because they lose touch with significant others who are often providers and caretakers. By being at home, offenders can continue to work and contribute to the support of the family and to maintain relationships with spouses and children. Otherwise, family ties, particularly with younger children, are often irrevocably broken during incarceration [McShane and Krause, 1993 : 129].

It is clear that electronic monitoring is cost effective only if the program is used to divert offenders who would otherwise have gone to prison. Although this supervision may cost less than incarceration, it is not necessarily less expensive than other forms of supervision or less expensive than no supervision whatsoever.

Therefore, one potential cost saving in the use of electronic monitoring would be on home confinement offenders who would, for medical reasons, require expensive care during incarceration, need special treatment, special medications and services, or special accommodations.

seriously disabled elderly are some of the cases that constitute significant expenditures of financial and manpower resources for prisons [*McShane and Krause, 1993 : 130*]. In addition, small increases in the number of elderly and handicapped mean the allocation of entire clinics to meet demands for health care within Corrections Departments. Part of the cost savings of electronic monitoring is having the offender pay for the expenses involved in community supervision [*McShane and Krause, 1993 : 130 - 131*].

#### 6.6.4 CRITICISMS OF ELECTRONICALLY MONITORED HOME CONFINEMENT

According to *McShane and Krause [1993 : 131]*, others criticize electronically monitored home confinement as dehumanizing, taking out the personal relationship between officers and their parolees and replacing it with a machine.

However, there is no doubt that the use of electronic monitoring devices has changed the role of the supervising officer, because rehabilitation seems to be de-emphasized in favour of control functions [*McShane and Krause, 1993 : 132*].

According to *McShane and Krause [1993 : 133]*, although the use of electronic monitoring seems to ensure that offenders are where they are

home. Unless the clients are actually being monitored for alcohol or drug use, they may continue in a pattern of substance abuse at home. A high incidence of violations is a common characteristic of electronic monitoring program. Some violations are only equipment failures, but many are early efforts by the parolees to "test" the reliability of the equipment and the programme staff. Other violations are more serious infractions of the conditions of release. All require decision making and immediate action by the programme staff.

To make the process of handling violations easier, it is important to clearly explain all aspects of the equipment to the offender and its use [McShane and Krause, 1993 : 134].

#### 6.6.5 MEASURING THE SUCCESS OF ELECTRONIC MONITORING

Despite the tremendous popularity of electronically monitored home confinement programs in the late 1980's, skeptics await proof that the programmes will make good on their promises. Most of the information available on electronic monitoring programmes only consists of reports on the number of successful completions.

However, the figure does not give any insight into the quality of the supervision experience, on the ability of those who have completed the programme to remain crime free [McShane and Krause, 1993 : 136].

#### 6.6.6 THE FUTURE OF ELECTRONICALLY MONITORED HOME CONFINEMENT

The use of electronically monitored home confinement, has been fairly limited until recently. However, it is argued that the developing technology will have a great impact on the nature of future surveillance operations. One of the major influences of the technological revolution is that the price per unit to operate such systems is expected to decrease [McShane and Krause, 1993 : 138].

According to Zvekic [1994 : 377], since electronic monitors have been available commercially, there has been a growth in their use, from the offenders monitored in December 1984 to about eight hundred in February 1987 and to about twenty-three hundred in February 1988.

Discussions with the manufacturers indicate that this pattern of growth is continuing. Many have outstanding orders to be met for equipment for new programmes or to augment existing programmes. In addition they report receiving quite a few inquiries from those considering the establishment of a program.

Internationally it appears that the use of monitors is growing. Thus it seems reasonable to expect that, in the future, at least some of the existing programmes will expand and that there will be more monitoring

countries [Zveki'c, 1994 : 377]. This point will be elaborated upon in the next sub-section.

#### 6.6.7 ELECTRONIC MONITORING IN SOUTH AFRICA

Electronic monitoring of offenders has already been implemented with success in other countries. During September 1996, the Department of Correctional Services commenced with a research project in the Pretoria and adjacent areas to ascertain the viability of such a system under South Africa's conditions. This research was conducted over a period of one year and involved 50 parolees and 50 probationers in formal and informal settlements. The main aim of electronic monitoring is to exert more effective control over offenders in order to protect the community [*Annual report of the Department of Correctional Services, 1996 : 10*].

Currently, offenders who are under house arrest are electronically monitored on a 24 hour basis. This system comprises mainly of the following:

- ▶ A computerized control room that sends signals to and receives signals from field monitoring devices in the offender's residences
- ▶ A reaction unit at the control room is utilized for immediate response upon violation of house arrest
- ▶ A transmitter device in the form of an ankle bracelet attached to the offender

telephone are not available.

Should the pilot project prove to be a viable option, further planning will be conducted accordingly. It should, however, be emphasized that personal contact is maintained between correctional officials and offenders under electronic monitoring [*Annual report of the Department of Correctional Services, 1996 : 10*].

*Lindiz van Zilea [1997.06.05 : page 2]*, stated in *Cape Times*, that professor Charl Cilliers of the University of South Africa is of the opinion that the system will allow the Department of Correctional Services to “keep tabs” on the parolees. “It will also make monitoring easier and more effective”.

#### 6.6.7.1 Tracing of Absconders

A total of 3,674 of the absconders were traced during 1996 and were either re-incarcerated or referred back to court for consideration of an alternative sentence. The tracing of absconders is the responsibility of the Department of Correctional Services.

However, the Criminal Record Centre of the South African Police Services does assist the Department by registering abscondence and informing the Department of any absconders which may come to their

special monitoring actions and continual visits to addresses where absconders may be traced.

Rewards are also granted to persons who supply information or assist in the tracing and arrest of absconders. The tracing of absconders is hampered by the personnel shortage [*Annual report of the Department of Correctional Services, 1996 : 11*]. *Charl Cilliers (in Cape Times 1997 : 2)*, suggested involving security companies to search for absconders.

#### 6.6.7.2 Case Loads

In the United States there is a ratio of one correctional Supervisor per 25 cases exists. In South Africa there is one supervisor for every 300 cases [*Cape Times, 1997 : 2*].

### 6.7 SUMMARY

From the foregoing exposition, it is clear that supervision remains the heart of parole work, since it is the process through which the two major goals namely: protection of society by means of parole, and successful reintegration of offenders are achieved. Electronic monitoring did not become popular until prison overcrowding forced virtually every Criminal Justice Agency to pursue alternatives to incarceration. Community corrections of South Africa is facing a problem of personnel shortage.

CHAPTER 7FINDINGS AND RECOMMENDATIONS7.1 INTRODUCTION

At the conclusion of the study, the researcher reaches a stage where he or she has to analyse, criticize and evaluate data collected, with the aim of presenting workable alternatives to particular problems identified during the research procedure. For this reason recommendations aimed at improving a current situation, not only advance the cause of Penology and Criminology in a practical sense, but may further contribute to the total transformation of the Criminal Justice System in South Africa.

The researcher in this particular case, will firstly make recommendations pertaining to specific shortcomings and defects which are undoubtedly of old standing or contrary to the objectives of modern Correctional Systems around the world.

The other recommendations will be pertaining to good principles and

practices in the treatment of inmates and management of correctional institutions. These recommendations are intended to show the spirit and objectives by which prisons should be administered when preparing the offender for a successful return to the free community.

## 7.2 SENTENCING PRACTICES

All countries worldwide have Justice Systems which, are administered differently. Some countries, including South Africa, prefer to leave all sentencing discretion in the hands of a judicial official. The result hereof is that some offenders are severely punished while others are not. This defeats the ends of justice and counteracts consistency within the Criminal Justice System. Other countries do regulate the judge's discretion through legislation which requires the following to be taken into account when the sentence is imposed.

### 7.2.1 MANDATORY SENTENCING

Mandatory sentencing implies that the law requires the judge or magistrate to impose a sentence of incarceration, often of specified length, for certain crimes or certain categories of offenders. There is no option of parole, probation or a suspended sentence in such cases.

## 7.2.2 PRESUMPTIVE SENTENCING

The discretion of a judge or magistrate, who imposes a prison sentence, is constrained by a specific sentence length set by law for each offence or class of offence. That sentence must be imposed in all unexceptional cases. In response to mitigating or aggravating circumstances, the judge may shorten or lengthen the sentence within specified boundaries.

- **Sentencing Guidelines:**

Here explicit policies and procedures are specified when deciding on individual sentences. The decision is usually based on the nature of the offence and the offender's criminal record.

The researcher recommends that:

- ▶ A task-team be established, consisting of all three departments in the Criminal Justice System, namely:

The South African Police Services, the Department of Justice and the Department of Correctional Services, to evaluate the possibility of transforming and coordinating the three departments with regard to diversion methods, sentencing practices, as well as paroling system in South Africa.

### 7.3 IMPLEMENTATION OF COMMUNITY-BASED SENTENCING OPTIONS

Many Correctional Systems agree that the problem of overcrowded prisons cannot be solved by building more and better prisons, but rather by developing alternative sentencing options.

The problems which overcrowding brings, are:

- ▶ Breakdown in proper classification and separation of inmates
- ▶ Contamination of relatively immature offenders by hardened criminal
- ▶ Lack of space for vocational training and recreation activities
- ▶ An unbalanced staff-inmate ratio calling for more and more rigid security measures
- ▶ Consequently they place a strain on the required correctional atmosphere.

The prisons in Western countries experienced the same overcrowding problems as South African prisons today. It is hoped that the programme of house confinement combined with electronic monitoring, will make it possible for judicial officials to divert sufficient numbers of eligible offenders from incarceration into community corrections. This would not only address or ease overcrowding, but would also lead to financial savings for taxpayers. The increasing sentencing options, available to the

court, may facilitate the process.

It is therefore recommended that community corrections be given the necessary attention that it deserves in terms of funding and staffing in order to build the necessary capacity.

#### 7.4 **COMMUNITY INVOLVEMENT IN CORRECTIONAL PROGRAMMES**

Research revealed that the utilisation of volunteer services in the Department of Correctional Services is minimal, when the demand thereof is much more than one could imagine.

The majority of volunteers presently involved with the Department are professionals from welfare organizations in the country, and educationists from the relevant Department. But there are also para-professionals and non-governmental organizations who are prepared to render voluntary programmes to inmates.

It is therefore recommended that a voluntary programme be developed for the Department of Correctional Services. Further research needs to be conducted on this topic from which policies, programmes, and criteria

The success of community re-integration, depends on the active involvement of the community in treatment and parole processes in which inmates are involved.

## 7.5 **CONCLUSION**

In conclusion, it is hoped that the findings and recommendations of this research will be useful, not only to the Department of Correctional Services, but also to other State Departments and legislative bodies.

ANNEXURE "A"

**INMATE WORK RELEASE APPLICATION**

TO: Secretary of Corrections

I, ....., NO. ...., INSTITUTION .....  
Respectfully submit application for participation in the Work Release Program.

1. I am requesting Work Release privileges in.....Area.  
I will/will NOT accept Work Release privileges in any area designated by the Secretary.
2. List close relatives or other resources [friends, sponsors, etc.] currently residing in or near the area in which Work Release is requested.

NAME	AGE	ADDRESS	RELATIONSHIP
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

3. Current martial status:    Single .....    Married .....    Divorced .....

4. Number of legal dependents ..... Are these dependents now receiving public assistance through the Department of Social and Rehabilitation Services? .....

5. I [A] am NOT under court order to support my dependents at this time.  
[B] am under court order to support my dependents at this time. This court order was rendered in ..... Area.

6. List individuals or business concerns to which you are obligated as a result of a loan, purchase, court ordered restitution or other legally incurred debt.

BUSINESS CONCERN	ADDRESS	AMOUNT OWED
.....	.....	.....
.....	.....	.....
.....	.....	.....

7. List your education background:

.....  
.....  
.....  
.....  
.....  
.....  
.....

8. List work skills and occupations: .....

.....

Do you have your own tools? Yes ..... No ..... List past employment:

FIRST NAME	ADDRESS	YOUR JOB	DATE
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

9. Prison Number: .....

10. Do you have any writs [further charge, etc.] pending in a court? .....  
If yes, in which court? .....  
Motivation:.....

.....  
.....  
.....  
.....

If yes, from what jurisdiction and for what type of offense? .....

11. Are you eligible for a parole hearing? Yes ..... No .....  
If yes, when are you due to see the Parole Authority? .....

List any physical disabilities, if any: .....

Are you taking medication? Yes ..... No.....

If yes, describe the type and purpose of the medication: .....

In applying for Work Release candidacy, I hereby authorized the Department of Corrections to reveal any portion of my offense record to prospective parties and/or agencies involved in considering any applications. I further agree to except the Department of Corrections from all liabilities arising from the disclosures of said .....  
.....  
.....

to the Work Release Program.

.....  
[Date]

.....  
[Inmate's Signature]

.....  
[Witness]

.....  
[Witness]

[WITNESSES MUST BE EMPLOYEES OF THE DEPARTMENT OF CORRECTIONS]

*Doeren and Hageman, 1982 : 138 - 9]*

ANNEXURE "B"

**WORK RELEASE**

**INMATE STATEMENT OF INTENT**

I, .....  
[Name] ..... [Prison Number]

request Work Release privileges in .....  
[Area] ..... [Province]

I plan to parole in ..... which would make  
[Area] ..... [Province]

this a ..... request. The reason I  
[Temporary or Permanent]

request Work Release in ..... is because:  
[Area] ..... [Province]

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

[Doeren and Hageman, 1982 : 141].

ANNEXURE "C"

DEPARTMENT OF CORRECTIONS  
CONDITIONS OF WORK RELEASE AGREEMENT

NAME ..... NUMBER .....

WORK RELEASE FACILITY .....

For the privilege of participating in the Work Release Program, I hereby agree to the following rules:

1. I will at all times conduct myself with propriety so as not to bring discredit upon myself, the Work Release Program, my employer, or the institution/facility of my confinement.
2. I will obey all National, Provincial , and Local laws and departmental regulations and instructions of the facility wherein I am housed.
- 3 I will not change nor deviate from my approved work plan without consultation with the counsellor and an alternate plan has been approved.
4. I will directly and promptly proceed to and return from my designated location by the approved method of transportation, route and time.
5. I will remain within the designated area of my Work Release plan.
6. I will return to my Work Release Facility immediately and without delay if approved work, training, or service ceases prior to the end of the scheduled time for termination thereof.
7. I will make no contact wither personal, telephone, or otherwise, with any individual on behalf of another inmate confined within an institution.
8. I will refrain from consuming any alcoholic beverages and/or any narcotics, or other drugs not prescribed as medication.
9. In the event of a strike, I will express no sentiments either for or against labour or management.
10. In the event of difficulty, I will contact the Community Corrections Centre at the earliest possible time.
11. I understand that if I should willfully fail to remain within the extended limits of confinement or to return within time prescribed to the place of confinement, such shall be deemed as an aggravated escape from custody and shall be punishable by law

Annexure "C"

- 12. I understand that the Department of Corrections will credit my account with wages paid and furnish me a receipt together with a statement of deductions made by my employer. I further understand that while the Department of Corrections will account for the wages and deductions according to the agreement that it is my responsibility to see that wages and deductions have been properly computed by my employer.
- 13. I hereby waive my right to make any claim for property which is lost, stolen or damaged in the Prison if such property was not on the list of permitted property. I further understand and agree that according to Law. I own property at my own risk and shall not recover on any claim for loss or damage unless I can prove that it directly resulted from the intentional or grossly negligent act or omission of a correctional employee and unless the loss or damage was promptly and properly reported. I agree to make no claim for property lost, damaged or stolen from my room or locker if I am absent and this room or locker is unlocked.
- 14. I understand that Work Release is a privileged program and if I do not abide by the rules, regulations and work release general orders, I can be administratively removed from the program.

I hereby certify that the above Work Release conditions have been read and explained to the inmate.

The above Work Release conditions have been read and explained to me, and I do hereby agree to abide by these conditions.

.....  
Date

.....  
Inmate Signature

.....  
Witness

.....  
Officer in Charge

ANNEXURE "D"

DEPARTMENT OF CORRECTIONS  
INMATE WORK RELEASE PLAN AGREEMENT

NAME ..... NUMBER .....  
..... FACILITY .....

In accordance with the provisions of Correctional Service Act and Rules established by the Department of Corrections for the administration of a Work Release Program, the Department of Corrections does hereby extend the limits of confinement for the above named inmate to allow him to participate in the following [work/study] Release Plan.

This inmate will be housed in a Work Release facility located in: .....

1. Employer's Name: .....

Address:..... Telephone Number: .....

Job Title: ..... Immediate Supervisor: .....

Wages: ..... Working Days per Week are: ..... Through: .....

Working Hours will Begin At: ..... And End at: .....

2. Transportation: Times, Route, and Method are as follows:

Leave Work Place facility at ..... a.m./p.m. with method of transportation being ..... Return to Work Release facility by ..... a.m./ p.m.

Method of transportation: .....

Route to and from work: .....

3. Earnings shall be paid or payable directly to the participant by the employer. It shall be accounted for as described in paragraph = 12. As provided by statute, earnings will be distributed by the Department of Corrections in the following manner:

[a] Board and room at the rate of ..... per .....

[b] Clothing and or tools as necessary.

[c] Necessary travel expense to and from work at the rate of R.....  
per .....

[d] Incidental expenses at the rate of ..... per .....

Annexure "D"

[e] Support of Dependents, if any, at the rate of 75% of net pay following deductions of a, b, c and d above to be paid to:

.....  
[NAME] [ADDRESS]

[f] Payment of legal debts, either acknowledged in writing or reduced in judgment, at the rate of 25% of net pay if item "e" is not applicable.

R..... per ..... to .....  
R..... per ..... to .....

[g] The balance of participant's earnings, if any, shall go to the participant's Work Release Account.

I hereby certify that the above Work Release Plan has been explained to the inmate.

The above Work Release Plan has been Read and explained to me, and I do Hereby agree to participate under said conditions.

.....  
[Date] [Title]

.....  
[Date] [Inmate]

[Doeren and Hageman, 1982 : 144 - 5].

ANNEXURE "E"

DEPARTMENT OF CORRECTIONS  
EMPLOYER'S WORK RELEASE AGREEMENT

EMPLOYMENT OFFER FOR INMATE: ..... INSTITUTIONAL NO:.....

JOB TITLE:.....

WAGES: RATE..... PER..... DAY PERIOD.....  
[OVERTIME]..... PER.....  
[I will notify the Department of Corrections if there are any changes in rates or wages.]

WORK HOURS: BEGINNING AT..... ENDING .....

WORK DAYS : ..... THROUGH:.....

EMPLOYMENT TO BECOME EFFECTIVE:.....

- [1] In the event of a strike, the inmate will be withdrawn from the employment for the duration of the strike.
- [2] The consumption of alcoholic beverages by the inmate is prohibited.
- [3] The consumption of narcotics, or other drugs not lawfully possessed by the inmate is prohibited.
- [4] The inmate must return to the facility immediately upon the conclusion of each day's work.
- [5] The wages of Work Release participants are to be made payable to the participant. This remittance may be on a standard payroll check. Accompanying the check should be a statement of deductions made, showing also the name of the employee, the pay period, the institutional No ..... and the computation of the gross wages.

Annexure "E"

It is further understood that Work Release employees are subject to the same deductions for tax and social security as any other employee.

[6] This Work Release Plan neither constitutes nor implies a contractual agreement between the Department of Corrections and the employer.

NAME:.....

TITLE:.....

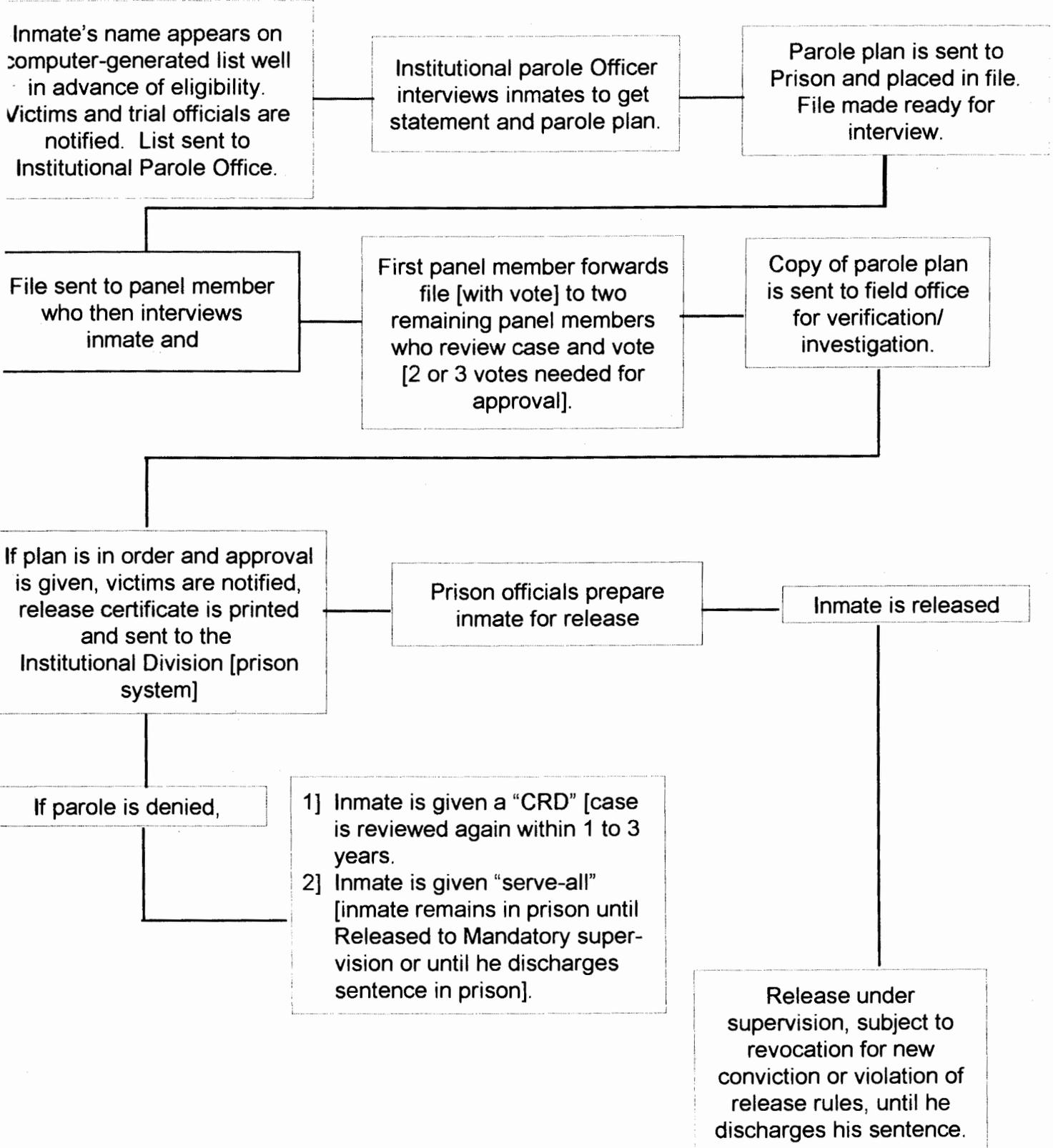
ORGANIZATION OR COMPANY:.....

ADDRESS:.....

DATE:..... TELEPHONE NUMBER:.....

[Doeren and Hageman, 1982 : 146].

**ANNEXURE "F"  
PAROLE PROCEDURE**



ANNEXURE "G"

## CRITERIA FOR SECURITY CLASSIFICATION OF INMATES

- A. *Prior Convictions/Adjudication [Adult or Juvenile]* -----
- |              |   |   |
|--------------|---|---|
| None         | = | 3 |
| One          | = | 2 |
| Two or three | = | 1 |
| Four or more | = | 0 |
- B. *Prior Commitments of More Than 30 Days [Adult or Juvenile]* -----
- |               |   |   |
|---------------|---|---|
| None          | = | 2 |
| One or two    | = | 1 |
| Three or more | = | 0 |
- C. *Age at Current Offense/Prior Commitments* -----
- Age at commencement of the current offense:
- |                            |   |     |
|----------------------------|---|-----|
| 26 years of age or older   | = | 2 * |
| 20 - 25 years of age       | = | 1 * |
| 19 years of age or younger | = | 0   |
- D. *Recent Commitment-Free Period [3 years]* -----
- No prior commitment or more than 30 days [adult or juvenile], released to the community from last such commitment at least three years prior to the commencement of the current offense = 1  
 Otherwise = 0
- E. *Probation/Parole/Confinement/Escape Status of Violator at This Time* -----
- Neither on probation, parole, confinement, or escape status at the time of the current offense; nor committed as a probation, parole, confinement or escape status violator this time = 1  
 Otherwise = 0
- F. *Heroin/Opiate Dependence* -----
- No history of heroin or opiate dependence = 1  
 Otherwise = 0
- Total Score* -----

\* Exception: if five or more prior commitments of more than thirty days [adult or juvenile], place an X here \_\_\_ and score this item = 0

ANNEXURE "H"

---

**Notice of Parole Panel Action**

DEAR SIR:

After careful and thorough review of all the facts in your case, the most significant reasons for the decision to deny parole are circled below.

1. Parole not in the best interest of society and/or inmate at this time
2. Criminal behaviour pattern
3. Nature and seriousness of the offense
4. Number of current offenses
5. Lengthy involvement with or habitual use of narcotics
6. Multi-offender
7. Lengthy criminal history
8. Prior probation revoked
9. Poor adjustment in institution
10. Parole violation on previous sentence, or this sentence
11. Serious violation of institutional rules and regulations
12. Repetition of similar offenses
13. Protests by community
14. Delinquent sex behaviour history
15. Medical reasons
16. Inadequate parole plan
17. Use of weapon in current offense
18. Assaultive
19. Time served insufficient to assess parole suitability
20. Lengthy involvement with or habitual use of alcohol

After careful consideration of all the factors in your case, the panel recommends: Participation in character development program, if available would increase parole prospects

1. Drug counselling
2. AA counselling
3. Enrollment in an education program
4. Vocational education.

Consult with the institutional parole officer to develop a parole plan.

---

ANNEXURE "I"

## **Rules and Conditions of Mandatory Supervision of Probationers and Parolees**

I acknowledge receipt of the rules and conditions of mandatory supervision and recognize that my release on mandatory supervision is conditional and I shall be deemed as if on parole. I agree to abide by the following terms and conditions:

1. Release and Reporting:

- a] I shall go directly to the destination approved by the Court, Parole Board, or Parole Officer.
- b] Upon arrival, I shall report [as instructed] immediately to the Parole Officer or person whose name and address appear on my Certificate for Mandatory Supervision.
- c] I shall submit a full and truthful report to my Parole Officer on forms provided for that purpose before the fifth [5th] day of each month or as instructed by my Parole Officer.
- d] I shall promptly and truthfully answer all inquiries directed to me and furnish all information requested of me by the Board of Pardons or Paroles or by my Parole Officer.
- e] If, at any time, it becomes necessary to communicate with my Parole Officer for any purpose and he is not available, I shall direct my communication to the Board of Pardons and Paroles [address and phone numbers attached].

2. Employment and Residence:

- a] I shall report to my place of employment; work diligently in a lawful occupation and support my dependents, if any, to the best of my ability.
- b] I shall secure the written permission of my Parole Officer before changing my residence or place of employment, and will allow any representative of the Board of Pardons and Paroles to visit in my residence and place of employment at any reasonable time.

3. Travel: I shall secure the written permission of my Parole Officer before I leave the Provinces to which I am released; and I will secure written permission from my Parole Officer to travel beyond the boundaries of the area adjoining the area to which I am released.

4. Alcohol and Drugs:

- a] I shall not use alcoholic beverages or liquors to excess or in a manner

Annexure "I"

injurious to my Mandatory Supervision release.

- b] I shall not go into, remain about, or frequent business establishments whose primary function is the sale or dispensing of alcoholic beverages or liquors for non-premises consumption.
  - c] I shall not illegally possess, use, or traffic in any narcotic drugs, dagga, or other controlled substances. I further agree to participate in chemical abuse treatment programs in accordance with instructions from my Parole Officer.
  - d] I shall freely cooperate and voluntarily submit to medical and/or chemical tests and examinations for the purpose of determining whether or not I am using or am under the influence of alcohol, narcotic drugs, dagga, or other controlled substances.
5. Weapons: I shall not own, possess, use, sell nor have under my control any firearm, prohibited weapon or illegal weapon as defined in the Laws, nor shall I unlawfully carry any weapon nor use, attempt to threaten to use any tool, implement or object to cause or threaten to cause any bodily injury.
6. Associates:
- a] I shall avoid association with persons of criminal background unless specifically approved by my Parole Officer in writing.
  - b] I shall not enter into any agreement to act as "informer" or special agent for any law enforcement agency.
7. Legal Obligations: I shall obey all municipal, area, provincial and national laws of South Africa.
8. General Provisions:
- a] I shall consult with my Parole Officer before entering marriage.
  - b] I agree to abide by any special conditions of Mandatory Supervision as stipulated.
  - c] I hereby agree to abide by all rules of Mandatory Supervision and all laws relating to the revocation of Mandatory Supervision including, but not limited to, appearance at any hearings or proceedings required by the jurisdiction in which I may be found.

Annexure "I"

I hereby certify that I fully understand and accept each of the above conditions under which I am being released and agree that I am bound to faithfully observe each of the same. I fully understand and agree that a violation of or refusal to comply with any of the conditions of Mandatory Supervision shall be sufficient cause for revocation of Mandatory Supervision and of an arrest upon a warrant issued by the Parole Board; and I further understand that when a warrant is issued by the Parole Board or the Head of Prison charging a violation of Mandatory Supervision rules and conditions, the sentence time credit shall be suspended until a determination is made by the Board or the Head of Prison in such case and such suspended time credit may be reinstated by the Board and Supervision be continued, as provided by law. I understand and agree that while under Mandatory Supervision I am in the legal custody of the Department of Corrections subject to orders of the Board of Paroles. I further understand and do agree that in the event of revocation of this release on Mandatory Supervision, time spent on Mandatory Supervision will not be credited to my sentence.

Signed and agreed

---

[*McShane, M.D., and Krause, W., 1993 : 228 - 229*]

ANNEXURE "J"


---

## Example of Calculation of Time Served with a Parole Release

Sentence length: 12 years

State allows parole consideration after 50% served: 6 years.

Date sentence began:	2-7-85
Parole eligible:	2-7-91
Parole granted:	8-18-91
Person remains on parole until:	2-7-97

However, a person who has his or her parole revoked returns to prison on 12-3-94. This person will, most likely, lose credit for all the time served on parole. He or she will return to custody with credit only for the time served in prison from 2-7-85 until release on parole, 8-18-91 which is 6 years, 6 months and 11 days.

Total sentence	11 years	11 months	30 days
minus time served	6 years	6 months	11 days
left to serve	<u>5 years</u>	<u>5 months</u>	<u>19 days</u>
date return prison	12-3-1994	19 months	5 days
plus time left to serve	5 years	19 months	5 days
date end sentence	<u>5-22-2000</u>		

Unless this offender makes parole again, he or she will remain in custody from the date of return 12-3-94 until his or her accumulated prison time equals 12 years, which would be 5-22-2000.

---

BIBLIOGRAPHYBOOKS

- 1 American Correctional Association, 1983. Correctional Officer Resource Guide. Printed by United Book Press, Baltimore, Maryland.
- 2 American Correctional Association, 1990. Correctional Issues. Intermediate Punishment; Community-Based Sanctions. Printed in the USA by United Book Press, Baltimore, Maryland.
- 3 American Public Health Association, 1986. Standards for Health Services in Correctional Institutions. American Public Health Association 1015 Fifteenth Street, NW, Washington, DC 20005.
- 4 Alpert, G.P. 1984. The American System of Criminal Justice. Sage Publications Beverly Hills, London New Delhi.
- 5 A Resource Manual, 1988. Volunteer Management. Volunteer Centre of South Australia Inc., 155 Pirie Street, Adelaide, South Australia 5000.
- 6 Armstrong, T.L. 1991. Intensive Interventions with High Risk Youths : Promising Approached in Juvenile Probation and Parole. Criminal Justice Press : A Division of Willow Tree Press, Inc. Monsey, New York.
- 7 Ary, D., Jacobs, L.C. and Razarieh, L.C. 1985. Introduction to Research in Education. 3rd Ed; New York : Holt, Rinehart and Winston.
- 8 Asher, G. 1986. : Custody and Control : The Social Worlds of Imprisoned Youth. Allen and Urwin, Sydney, London Boston.

- 9 Backett, J., McNeill, J. and Yellowlees, A. 1988. Imprisonment Today. McMillan Press Ltd; Houndmills Baringstoke, Hampshire RG 212X5 and London.
- 10 Ball, A.R., Huff, C.R. and Lilly, J.R. 1988. House Arrest and Correctional Policy : Doing Time at Home. Sage Publications. The Publishers of Professional Social Science : Newbury Park : Beverly Hills : London : New Delhi.
- 11 Barlow, H. 1987 : Introduction to Criminology. Little Brown and Company, Boston, Toronto.
- 12 Bartollas, C., Miller S.J., and Wice, P.B. 1983 : Participants in American Criminal Justice : The promise and the performance. Pentice Hall, Inc., Englewood Cliffs.
- 13 Bartollas, C., and Conrad, J.P. 1992 : Introduction to Corrections. Harper Collins Publishers Inc. New York.
- 14 Best, J.W., and Kahn, J.N. 1993 : Research in Education. Allyn and Bacon, A Division of Simon and Schuster, Inc : 160 Gould Street Needham Heights, MA 02194.
- 15 Bothma, R.G.P. 1995 : Vrylating van die Gevangene : Historiese ontwikkeling en Penologiese Perspektief, Magister Artium, Unviersiteit van Suid-Afrika.
- 16 Bowker, L.H. 1982. Corrections : The Science and the Art. McMillan Publishing Co., New York.
- 17 Byrne, J.M., Lurigio, A.J. and Petersilia, J. 1992. Smart Sentencing : The Emergency of Intermediate Sanctions. Sage Publications, International Professional Social Science : Newbury Park : London : New Delhi

- 18 Callison, H.G. 1983. Introduction to Community Based Corrections. McGraw. Hill Book Company, New York.
- 19 Carney, L.P. 1977 : Probation and Parole : Legal and Social Dimensions. Library of Congress Cataloguing in Publication Data, United States.
- 20 Cavadino, M. and Dignan, J. 1992. SAGE Publications : London Newbury Park : New Dehli.
- 21 Cilliers, C.H. 1980. Lyfstraf : Geskiedkundige Ontwikkeling en Penologiese Perspektief. Ongepubliseerde M.A. Proefskrif : Universiteit van Pretoria : Pretoria.
- 22 Clear, T.R. and Cole, G.F. 1990. American Corrections. Brook/Cole Publishing Company, Pacific Grove, California.
- 23 Clegg, R.K. 1964. Probation and Parole : Principles and Practices. Charles C Thomas. Publisher Springfield. Illinois. U.S.A.
- 24 Cliffords, W. 1982 : Rights and Obligations in a Prison. Institute of Criminology : Australia.
- 25 Coetzee, W., Loubser, J.G. and Krüger, W. 1995. Correctional Services in Focus. Hodder and Stoughton : Johannesburg London, Sydney : Auckland.
- 26 Cown, M.; Freeman, L.; Farmer, A.; James, M.; Drent, A. And Arthur, R. 1990. Positive School Discipline. The High, Harlow, Essex. England.
- 27 Cullen, B.; Dowding, M. And Griffin, J. 1988. Corrective Services in New South Wales. New South Wales Government. Bicentenmail Secretariat. The Law Book Company United.

- 28 Darvill, G. And Munday, B. 1984. *Volunteers in the Personal Social Services*. Taristock Publications, London and New York.
- 27 De Villiers, H.W. 1980. 'n Penologiese Beskouing van die oplegging van lyfstraf in die Howe van die Kaapse Skiereiland. Ongepubliseerde M.A. Proefskrif : Universiteit van Suid-Afrika. Pretoria.
- 28 Duckitt, J.H. and Du Toit, L. 1986. *The Assessment and Classification of Criminal Offenders*. Human Sciences Research Council : Pretoria.
- 29 Duffee, D. 1980. *Correctional Management Change and Control in Correctional Organisations*. Prentice-Hall, Inc : Englewood Cliffs.
- 30 Duffee, D.E. and McGarrell, E.F. 1990. *Community Corrections : A Community Field Approach*. Anderson Publishing Co., Cincinnati, OH.
- 31 Du Toit, E. 1981. *Straf in Suid-Afrika*. Juta en Kie, Bpk : Johannesburg : Wetton Kaapstad.
- 32 Edwards, R.L. and Yankey, J.A. 1991. *Skills for Effective Human Services Management*. NASW Press. National Association of Social Workers Silver Spring, MD.
- 33 Ekstedt, J.W. and Griffiths, C.J. 1988. *Corrections in Canada : Policy and Practice*. Butterworths : Toronto and Vancouver.
- 34 Ellsworth, T. 1992. *Contemporary Community Corrections*. Waveland Press, Inc, Prospect Height Illinois.
- 35 Erasmus, W.P. 1985. *Vestiging en Ontwikkeling van die Kriminologie in Suid-Afrika*. Ongepubliseerd. M.A. Proefskrif : Universiteit van Suid-Afrika.

- 36 Evans, P. 1980. Prison Crisis. London : George Allenand Unwin Ltd.
- 37 Folley, V.L. 1976. American Law Enforcement. Holbrook Press, Inc, Boston.
- 38 Fowler, A. 1990. A good start effective employee induction. Short Run Press Ltd, Exerter, Devon Great Britain.
- 39 Fox, V. 1985. Introduction to Corrections. Third Edition Prentice Hall, Inc., Englewood Cliffs, New Jersey.
- 40 Gailliner, J.F. 1989. Criminology. Human Rights, Criminal Law, and Crime. Prentice Hall, Englewood Cliffs, New Jersey.
- 41 Gerber, F.A. 1995. 'n Penologiese Ondersoek na Korrektiewe Toesig. Ongepubliseerde M.A. Verhandeling. Universiteit van Suid-Afrika : Pretoria.
- 42 Gilbert, N., and Specht, H. 1981. Handbook of the Social Services. Prentice Hall, Inc, Englewood Cliffs, New Jersey.
- 43 Gill, M.L. and Mawby, R.I. 1990. Volunteers in the Criminal Justice System. Open University Press : Milton Keynes : Philadelphia.
- 44 Glanz, L. 1992. Mangaging Crime in the New South Africa : Selected Readings. Published by HSRC : Pretoria.
- 45 Glaser, N. 1984. The Poublic Interest on Crime and Punishment. University Press of America; Lanham; New York : London.
- 46 Grunhut, M. 1948. Penal Reform : A Comparative Study. Claredon Press : Oxford.

- 47 Harding, J. 1987. Probation and the Community. A Practice and Policy Reader. Taristock Publications : London and New York.
- 48 Harris, R. 1992. Crime, Criminal Justice and the Probation Service. Taristock : London and New York.
- 49 Hedley, R., and Smith, J.D. 1992. Volunteering and Society : Principles and Practice. Bedford Square Press of the National Council for Voluntary Organisations : London.
- 50 Henderson, J.D., and Phillips, R.L. 1991 : Protective Management in Adult Correctional Facilities : A Discussion of Causes, Conditions, Attitudes and Alternatives. American Correctional Association. United States
- 51 Heyns, C., Mokwena, L. And Ncholo, P. 1993 : Towards a South African Student Volunteers Organisation. Centre for Human Rights, University of Pretoria : Pretoria.
- 52 Hlongwane, A.L. 1994 : Gang Conflict in Prison. Unpublished Master of Arts Dissertation : University of South Africa : Pretoria.
- 53 Holten, N.G., and Jones, M.E. 1978 : The System of Criminal Justice. Little Brown and Company, Boston, Toronto.
- 54 Inciardi, J.A. 1987. Criminal Justice. Second Edition. Harcourt Brace. Jovanovich, Inc : New York.
- 55 Inciardi, J.A., and Haas, K. 1988. Crime and Criminal Justice Process. Dubuque : IA : Kendal-Hunt.
- 56 Inciardi, J.A. 1993 : Criminal Justice. Harcourt Brace Jovanovich College

- 57 Jenkins, P. 1984. *Crime and Justice. Issues and Ideas.* Brooks/Cole Publishing Company : Monterey, California.
- 58 Johnson, E.N. 1978. *Crime Corrections and Society.* Homewood I.L. Dorsey.
- 59 Johnson, N. 1987. *The Welfare State in Transition : The Theory and Practice of Welfare Pluralism.* The Harvester Press Publishing Group and Wheatsheaf Books Limited. Great Britain.
- 60 Johnson, R. 1996. *Hard Time : Understanding and Reforming the Prison.* Wadsworth Publishing Company and International Thomson Publishing, Inc.
- 61 Kouri, M.K. 1990. *Volunteerism and Older Adults.* Santa Barbara, California Oxford, England.
- 62 Kratcoski, P.C. 1994. *Correctional Counseling and Treatment.* Waveland Press, Inc.
- 63 Kroon, J. 1986. [Red]. *Algemene Bestuur.* Pretoria : Haum.
- 64 Lauen, R.J. 1988. *Community Managed Corrections and Other Solutions to America's Prison Crisis.* American Correctional Association : United States.
- 65 Leedy, P.D. 1993. *Practical Research Planning and Design.* McMillan Publishing Company : New York.
- 66 Lester, D. Braswell, M., and Van Voorhis, P. 1992. *Correctional Counseling : Anderson Publishing Company.* Cincinnati, Ohio.
- 67 Lockwood, D. 1980. *Prison Sexual Violence,* Elsevier North Holland, Inc.

- 68 Luxton, P. 1990. *Charity Fund Raising and the Public Interest : An Anglo-American Legal Perspective*. Avebury Gower Publishing Company Limited, Gower House : England.
- 69 Mandaraka-Sheppard, A. 1986. *The Dynamics of Aggression in Women's Prisons in England*. Gower Publishing Co. : Old Post Road. Brookfield. Vermont 05036. USA.
- 70 Mathiesen, T. 1990. *Prison on Trial : A Critical Assessment*. Sage Publications : London. Newbury Park : New Delhi.
- 71 Maves, P.B. 1981. *Older Volunteers in Church and Community : A Manual for Ministry*. Judson Press, Valley Forge.
- 72 McCarthy, R.B. 1987. *Intermediate Punishments : Intensive Supervision, Home Confinement and Electronic Surveillance*. Criminal Justice Press : A Division of Willow Tree Press, Inc. Monsey, New York.
- 73 McGreeney, P., and Alexander, D. 1996. *Managing Volunteers Effectively*. Arena Ashgate Publishing Limited. Gower House, Croft Road : England.
- 74 McShane, M.D., and Krause, W. 1992. *Community Corrections*. McMillan Publishing Company, New York. Maxwell McMillan Canada, Toronto.
- 75 Monette, D.R., Sullivan, T.I., and Comell, H.D. 1990. *Applied Social Research*. Second Edition. Forthworth : Holt Rinehart and Winston.
- 76 Morin, L. 1981. *On Prison Education*. Canadian Government Publishing Centre Supply and Services : Canada.
- 77 Morton, J.B. 1991. *Public Policy for Corrections : The Ratified Public*

- 78 Moyer, I.L. 1985. *The Changing Roles of Women in the Criminal Justice System : Offenders, Victims, and Professionals*. Waveland Press, Inc. Prospect Heights, Illinois.
- 79 Muncie, J., and Sparks, R. 1991. *Imprisonment : European Perspectives*. Published in Association with Open University : Harvester Wheatsheaf.
- 80 Ndabandaba, G.L. 1987. *Crimes of Violence in Black Townships*. Butterworths : Durban.
- 81 Nel, J.P. 1981. *Wetenskaplik Verantwoorde Maatskaplikewerk : Behandeling binne die Gevangenis as Voorvereiste vir Doeltreffende Nasorg*. Ongepubliseerde DPH.[M.W.] Tesis : Potchefstroomse Universiteit vir Christelike Hoër Onderwys.
- 82 Nesor, J.J. 1980. 'n Teoreties-prinsipiële Studie oor sekere aspekte van die Straf en Behandeling van die Oortreder vanuit 'n Penologiese Perspektief. Ongepubliseerde D.LTT. et Phil Tesis : Universiteit van Suid-Afrika : Pretoria.
- 83 Nesor, J.J. [ed] 1989. *Penitentiary Penology : Perspective and Practice*. Lexon Publishers : Johannesburg.
- 84 Osler, A. 1995. *Introduction to the Probation Service*. Waterside Press, Domum Road : Winchester.
- 85 Peak, K.J. 1995. *Justice Administration. Police, Courts, and Corrections Management* : Prentice Hall Englewood Cliffs, New Jersey 07632.
- 86 Pearce, J.L. 1993. *Volunteers : The Organisational Behavior of Unpaid Workers*. Routledge, 29 West 35th Street, New York.

- 87 Peterson, D.M. and Thomas, C.W. 1980. Corrections : Problems and Prospects : Prentice Hall, Inc. Englewood Cliffs.
- 88 Phillips, J.J. 1987. Recruiting, Training and Retraining New Employees : Managing the Transition from College to Work. Jossey-Bars Publishers, San Francisco : London.
- 89 Poulton, G. 1988. Managing Voluntary Organizations. John Wiley and Sons : Chichester, New York, Brisbane, Toronto : Singapore.
- 90 Priestley, P., McGuire, J., Flegg, D., Hemsley, V., and Barnitt, R. 1984. Social Skills in Prison and the Community : Problem-solving for Offenders. Routledge and Kegan Paul : London.
- 91 Primoratz, I. 1989. Justifying Legal Punishment. Humanities Press International, In, New Jersey : London.
- 92 Pursley, R.D. 1987 : Introduction to Criminal Justice. McMillan Publishing Company, New York.
- 93 Pursley, R.D. 1991. Introduction to Criminal Justice. McMillan Publishing Company, New York. Collier McMillan. Canada, Toronto.
- 94 Rapp, C.A., and Portner, J. 1992. Social Administration : A Client Centered Approach. London and New York.
- 95 Reading, P. 1992. Community Care and the Voluntary Sector : The Role of Voluntary Organisations in a Changing World. Great Britain : Biddles Ltd., Guildford and King's Lynn.
- 96 Reid, S.T. 1981. The Correctional System : An Introduction. New York. Holt,

- 97 Reid, S.T. 1991. *Crime and Criminology*. Holt, Rinehart and Winston, Inc. The Dryden Press Saunders College Publishing.
- 98 Reid, S.T. 1994. *Crime and Criminology*. Brown and Benchmark Publishers. United States of America.
- 99 Rhine, E.E., Smith, W.R., and Jackson, R.W. 1991. *Paroling Authorities : Recent History and Current Practice*. American Correctional Association. 8025 Laurel Lakes Court, Laurel Maryland. 20707.
- 100 Rhodie, E.M. 1964. *The Prison Systems of Certain Commonwealth Countries*. New York, U.S.A.
- 101 Roberts, A.R. 1989. *Juvenile Justice : Policies, Programs and Services*. Sage Publications : International Education and Professional Publisher London : New Delhi.
- 102 Roberts, A.R. 1994. *Critical Issues in Crime and Justice*. Sage Publications : International Education and Professional Publisher Thousand Oaks : London : New Delhi.
- 103 Rogers, J.W., and Mays, G.L. 1987. *Juvenile Delinquency and Juvenile Justice*. John Wiley and Sons : New York : Chichester : Brisbane, Toronto, Singapore.
- 104 Scraton, P., Sim, J., and Skidmore, P. 1991. *Prisons under Protest*. St. Edmundsbury Press Ltd., Bury St. Edmunds, Suffolk.
- 105 Siegel, L.J., and Senna, J.J. 1981. *Juvenile Eelinquency : Theory, Practice and Law*. West Publishing Co. West Kellogg Boulevard, St Paul, Minnesota.

- 106 Silverman, R.A., Teevon, J.J., Sacco, V.F. 1991. *Crime in Canadian Society*. Butterworths : Toronto and Vancouver.
- 107 Snarr, R.W., and Wolford, B.L. 1985. *Introduction to Corrections*. W.M.C. Brown Publishers, Dubuque, Iowa.
- 108 Snarr, R.W. 1996. *Introduction to Corrections*. Brown and Benchmark Publishers, Madison Dubuque; IA Guilford, CT. Chicago, Toronto, London, Caracas Mexico, Madna, Bogota, Sydney.
- 109 Steadman, H.J., McCarty, D.W., and Morrissey, J.P. 1989. *The Mentally Ill in Jail : Planning for Essential Services*. The Guilford Press, New York; London.
- 110 Sullivan, L.E. 1990. *The Prison Reform Movement : Forcorn Hope*. Twayne Puslibhers : Boston : A Division of G.K. Hall and Company.
- 111 Sullivan, T., Thomson, K., Wright, R., Goss, G., and Spady, D. 1980. *Social Problems : Divergent Perspectives*. John Wiley and Sons, New York : Chichester : Brisbane : Toronto.
- 112 Swart, D.N. 1992. *Die Benutting van Vrywilligers en Vrywillige Gemeenskapsorganisasie by die Herinskakeling van Vrygelate Oortreders*. D.Phil. Proefskrf, Ongepubliseerd : Universiteit van Suid-Afrika : Pretoria.
- 113 Toch, H. 1980. *Therapeutic Communities in Corrections*. Praeger Publishers, New York : USA.
- 114 Trester, H.B. 1981. *Supervision of the Offender*. Prentice-Hall, Inc., Englewood Cliffs : New Jersey.
- 115 Van den Eyken, W. 1982. *Home Start : A Four year Evaluation*. Leicester :

- 116 Van den Hover, A.E. 1981. Die Ontwikkeling van Voorspelers vir Parool Sukses aan die Hand van Persoonlikheidstoetsing en Kliëntgesentreerde Onderwonde. M.A. Verhandeling : Universiteit van Suid-Afrika.
- 117 Van der Westhuizen, J. 1982. Crimes of Violence in South Africa. University of South Africa : Pretoria.
- 118 Van Onselen, C. 1982. Studies in the Social and Economic History of the Witwatersrand. New Babylon : Longman, Inc., New York.
- 119 Van Zyl Smith, D. 1992. Prison Law and Practice. Butterworths : Durban.
- 120 Venter, H.J. 1959 : Die Geskiedenis van die Suid-Afrikaanse Gevangenisstelsel. Haum : Kaapstad : Pretoria.
- 121 Walsh, A. 1988. Understanding, Assessing, and Counseling the Criminal Justice Client. Brooks/Cole Publishing Company, Pacific Grove, California.
- 122 Walsh, A. 1992. Correctional Assessment, Casework, and Counseling. Boise State University.
- 123 Werner, D.R. 1990. Correctional Education : Theory and Practice. Interstate Publishers Danville : Illinois.
- 124 Westermann, T.D., and Burfeind, J.W. 1991. Crime and Justice in Two Societies. Brooks/Cole Publishing Company : Pacific Grove, California.
- 125 Whitehead, P. 1990. Community Supervision for Offenders : A New Model of Probation. Avebury : Aldershot : Brookfield USA; Hong Kong; Singapore; Sydney.

- 126 Williams, S. 1981. *Politics is for People*. Harmondsworth : Penguin Books.
- 127 Wilson, J.Q., and Petersilia, J. 1995. *Crime*. I.C.S. Press : Institute for Contemporary Studies : San Francisco : California.
- 128 Wright, K.N. 1994. *Effective Prison Leadership*. William Neil Publishing, Binghamton New York.
- 129 Zvekic, U. 1994. *Alternatives to Imprisonment in Comparative Perspective*. United Nations Interregional Crime and Justice Research Institute : Nelso-Hall Publishers/Chicago.

**JOURNALS**

- 1 Andrews, D.A., Bonta, J., and Hoge, R.D. 1990. Classification for Effective Rehabilitation : Rediscovering Psychology. Criminal Justice and Behaviour. Vol. 17, No. 1 March 1990. 19 - 52. American Association for Correctional Psychology.
- 2 Lawrence, R. 1991. Crime and Delinquency. Vol. 37. No. 4. October 1991. 449 - 363. Sage Publications.
- 3 MacKenzie, D.L., Gould, L.A., Ruchers, L.M., and Shaw, J.W. 1990. Shock Incarceration : Rehabilitation or Retribution? Journal of Offender Counseling, Services and Rehabilitation, Vol. 14[2] 1990.
- 4 Morris, X. Prison Service Journal No. 73. New Series January 1989. HM Prison Leyhill, Wotton.
- 5 Moss, K.F. 1988. Writing Research Proposals. In R.M. Grinell, Jr. Social Work Research and Evaluation. Pp 429 - 445. 3rd ed. Itasca : Peacock.
- 6 Rhymes, C.D.A. 1988. Prison Service Journal. The Homosexual in Prison. October, 1988. The Haworth Press.
- 7 Sandhu, H.S., Dodder, R.A., and Davis, S.D. 1990. Community Adjustment of Offenders Supervised under Residential vs Non-Residential Programs. Journal of Offenders Rehabilitation, Vol. 16[½] 1990. The Haworth Press, Inc.
- 8 Smith, R.R., and Sabatino, D.A. 1990. Roles and Functions of Psychologists in American Correctional Institutions. Journal of Offender Rehabilitation. Vol. 16[½] 1990. The Haworth Press, Inc.

- 9 The Prison Journal, 1990. Long-term Incarceration and Long-Term Inmates.  
Vol. LXXX, No. 1 Spring-Summer 1990. The Pennsylvania Prison Society.

**ACTS OF PARLIAMENT**

Correctional Service Act, 1959 [Act no. 8 of 1959] as Amended : Government Printers Pretoria.

**PRISON MAGAZINES**

Nexus, January 1973.

Nexus, July 1988.

**REPORTS**

Annual Report of the Department of Correctional Services for the Period 1 January 1996 to 31 December 1996. Government Printers : Pretoria.

**NEWSPAPER**

Cape Times, 97/06/05 : Cape Town.

**CORRECTIONAL SERVICE ORDERS**

Correctional Service Order B as Amended. Government Printers : Pretoria.